

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil No. 89-234-S
	)	
City of Portsmouth, New Hampshire,	)	
	)	
Defendant.	)	
<hr/>		

UNITED STATES' NOTICE OF LODGING OF CONSENT DECREE

Plaintiff, the United States of America, notifies the Court that it is today lodging a Consent Decree in this case pending solicitation and consideration of public comments, as required by Department of Justice policy, 28 C.F.R. § 50.7.

In accordance with the Department of Justice policy, 28 C.F.R. § 50.7, the Department of Justice will publish in the Federal Register a notice of the lodging of this Consent Decree. The notice will solicit public comments on the Consent Decree for a period of thirty (30) days from the date of publication. After the close of the comment period, the United States will evaluate any comments received and advise the Court as to whether the United States will request that the Consent Decree be entered.



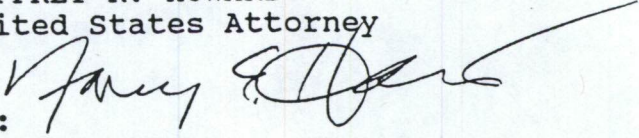




The United States asks the Court to take no action with respect to the lodged Consent Decree until the United States requests entry or otherwise advises the Court.

Respectfully submitted,

JEFFREY R. HOWARD  
United States Attorney

  
By:  
Nancy E. Hart  
Assistant U. S. Attorney

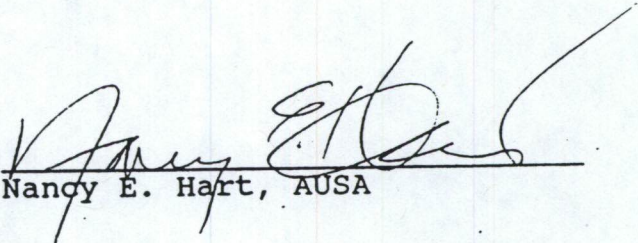
November 14, 1990

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice has been mailed, postage prepaid, this date to:

Steven Houran  
Senior Assistant Attorney General  
State of New Hampshire  
25 Capitol Street  
Concord, NH 03301

Robert P. Sullivan  
City Attorney  
P.O. Box 628  
Portsmouth, NH 03801

  
Nancy E. Hart, AUSA







IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America,       )  
                                  )  
Plaintiff,                        )  
                                  )  
v.                                 ) Civil No. 89-234-D  
                                  )  
City of Portsmouth, New Hampshire, )  
                                  )  
Defendant.                        )  
\_\_\_\_\_

CONSENT DECREE

The United States of America ("United States"), on behalf of the United States Environmental Protection Agency ("EPA"), and the State of New Hampshire filed separate Complaints against the City of Portsmouth, New Hampshire ("Portsmouth") for repeated and continuing violations of the Clean Water Act ("the Act"), 33 U.S.C. § 1251 et seq., its National Pollutant Discharge Elimination System ("NPDES") permit issued by EPA pursuant to Section 402 of the Act, 33 U.S.C. § 1342, and of New Hampshire RSA Ch. 149.

Portsmouth is a political subdivision of New Hampshire, duly chartered and formed within the laws of New Hampshire and is a "municipality" and "person" within the meaning of Sections 502(4) and 502(5) of the Act, 33 U.S.C. §§ 1362(4) and 1362(5). Portsmouth owns and operates a 1.5 million gallon per day (average design flow) wastewater treatment plant at Pierce Island ("the treatment plant") and associated sewer lines.

The United States, City of Portsmouth, and State of New Hampshire, without adjudication of the facts or the law, agree that settlement of this matter is in the public interest and that







entry of this Decree without further litigation, is an appropriate resolution to this dispute, and the parties consent to the entry of this Decree.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

STATEMENT OF THE CLAIM.

1. The Complaint of the United States states a claim pursuant to Sections 309(b) and (d) of the Clean Water Act, 33 U.S.C. §§ 1319(b) and (d), for injunctive relief and civil penalties against the City of Portsmouth, New Hampshire. The State of New Hampshire intervened in this action as a plaintiff and asserts claims pursuant to New Hampshire RSA 149:8, III-a, and RSA 149:19. The United States preserves its claim against the State of New Hampshire under Section 309(e) of the Act, 33 U.S.C. § 1319(e), which provides that the State shall be liable for payment of any judgment, or any expenses incurred as a result of complying with any judgment entered against the City to the extent that the laws of the State prevent the City from raising the revenues needed to comply with such judgment. The State of New Hampshire reserves all defenses in the event the United States brings any claim pursuant to Section 309(e).

JURISDICTION AND VENUE.

2. Jurisdiction is vested in this Court pursuant to 28 U.S.C. §§ 1331, 1345, and 1355 and Section 309(b) of the Act, 33 U.S.C. § 1319(b). Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) and Section 309(b) of the Act, 33







U.S.C. § 1319(b), because this is the judicial district where Portsmouth is located and where the alleged violations occurred.

APPLICATION

3. The provisions of this Consent Decree shall be binding upon the United States, the State of New Hampshire, and City of Portsmouth, and upon Portsmouth's officers, directors, managers, agents, trustees, servants, employees, successors, assigns, attorneys, and all persons, firms, and corporations acting under, through, or on behalf of Portsmouth. No later than thirty (30) days prior to transfer of ownership, operation, or other interest in the Portsmouth Wastewater Treatment Plant, Portsmouth shall give written notice and a copy of this Consent Decree to any successors in interest. Portsmouth shall condition the transfer of ownership, operation, other interests, or any contract related to the performance of the Consent Decree upon the successful execution of the terms and conditions of this Decree. Portsmouth shall notify in writing the United States Attorney for the District of New Hampshire, the United States Environmental Protection Agency, Region I, the United States Department of Justice, the Department of Environmental Services of the State of New Hampshire ("DES") and the Attorney General of the State of New Hampshire of any successor-in-interest at least thirty (30) days prior to any transfer and that notice and a copy of the Decree has been given to the successor-in-interest by Portsmouth.







OBJECTIVES.

4. It is the express purpose of the parties in consenting to this Decree to further the objectives of the Clean Water Act, as enunciated at Section 101 of the Act, 33 U.S.C. § 1251. All plans, studies, construction, remedial maintenance, monitoring programs, and other obligations of the Decree, or resulting from the activities resulting from this Decree, shall have the objectives of causing Portsmouth to come into and remain in full compliance with the Clean Water Act, including compliance with the terms and conditions of its NPDES Permit, renewals or amendments to that Permit, and the provisions of applicable Federal and State laws and regulations governing discharges from Portsmouth's wastewater treatment plant.

DEFINITIONS.

5. Unless otherwise defined herein, the terms used in this Consent Decree shall have the meaning given to those terms in the Clean Water Act, 33 U.S.C. § 1251 et seq., the regulations promulgated thereunder, 40 C.F.R. § 401.11, and in the applicable NPDES Permit.

CONSTRUCTION SCHEDULE.

6.A. Portsmouth shall undertake a program to achieve and thereafter maintain compliance with the Clean Water Act and its NPDES Permit by completing the construction of the upgraded wastewater treatment facility as set forth below. Portsmouth shall complete each required task on or before the deadline set forth in the following schedule:







<u>Task</u>	<u>Deadline</u>
a. Portsmouth shall revise Design Plans and Specifications for the upgraded wastewater treatment plant and submit to the State for final approval.	September 7, 1989
b. Portsmouth shall submit final Design Plans and Specifications to the State for a new primary effluent filter and ancillary equipment for approval.	September 7, 1989
c. Portsmouth shall advertise for bids from prospective contractors for the construction of its upgraded wastewater treatment plant, including the new primary effluent filter, requesting that bids be received by December 8, 1989.	October 8, 1989
d. Portsmouth shall award the contract for construction of its upgraded wastewater treatment plant.	January 15, 1990
e. Portsmouth shall commence construction of its upgraded wastewater treatment plant.	January 22, 1990
f. Portsmouth shall accept wastewater flow and initiate operation of its upgraded wastewater treatment plant, including treatment of full flow. Portsmouth shall substantially complete construction of the upgraded treatment plant. "[S]ubstantially complete construction" means to complete in all respects so as to be capable of and begin accepting entry of and treating full flow.	October 25, 1991







February 25, 1992

- g. Portsmouth shall achieve full operation of the upgraded wastewater treatment plant and achieve and maintain compliance with the final effluent limits, monitoring requirements, and conditions set forth in this Decree, its applicable NPDES Permit, and the Clean Water Act. Portsmouth shall cease discharging untreated wastewater unless bypassing is explicitly permitted pursuant to 40 C.F.R. 122.41(m) and then subject to the conditions therein.

6.B. Portsmouth may request extension(s) of the deadline in paragraph 6.A.f., not to exceed 12 weeks total, for change orders subject to approval by the State. The deadline in paragraph 6Af shall not be extended beyond 12 weeks total, i.e., to no later than January 22, 1992, and the requested extension(s) must be approved by the State. Any such extension(s) of the deadline in paragraph 6.A.f. shall not change the deadline in 6.A.g.

INTERIM EFFLUENT LIMITS

7. Portsmouth shall, at a minimum, comply with the following interim effluent limits and requirements from the date of entry of this Decree until February 25, 1992.







<u>Pollutant</u>	<u>Limitation</u>		<u>Monitoring Requirements</u>	
	<u>Maximum Daily</u>	<u>Average Monthly</u>	<u>Frequency</u>	<u>Sample Type</u>
Flow	--	--	Continuous	Report average daily & maximum daily
BOD	--	25% removal	1/week	24-hour Composite
TSS	--	30% removal	1/week	24-hour Composite
pH	6.0 - 8.0 or as naturally occurring	--	1/day	Grab
Chlorine- TRC	--	--	1/day	Grab
Total Coliform	--	--	1/week	Grab
Oil & Grease	--	--	1/month	Grab

Both treated and untreated ("bypass") flow shall be measured at the treatment facility and reported separately on the Discharge Monitoring Report ("DMR"). The BOD and TSS average monthly percent removals shall be at least 25% and 30% respectively. The average monthly percent removal is to be computed as a running average for twelve months ending with the month being reported. The running average will be calculated commencing with September 1989. Samples for the determination of BOD and TSS percent removal shall be taken of the influent and effluent, allowing for appropriate detention time before sampling the effluent. The depth of sludge in the clarifier shall be measured five times per week and reported monthly. The depth shall be the average of



1. 1



four measurements at representative points in the clarifier with the results averaged.

FINAL COMPLIANCE

8. On and after February 25, 1992, Portsmouth shall comply with all final effluent limits and monitoring requirements set forth in its applicable NPDES Permit. On and after February 22, 1992, Portsmouth shall not bypass its treatment facility and discharge untreated wastewater unless the bypass is explicitly permitted pursuant to 40 C.F.R. 122.41(m) and then subject to the conditions therein.

COMBINED SEWER OVERFLOWS ("CSOs")

9. The parties to this agreement understand that Portsmouth has been and is currently unable to meet the water quality standards for its combined sewer overflow (CSO) outfalls 010A and 010B, in violation of Portsmouth's NPDES permit and the Act. Furthermore, the parties recognize that dry weather overflows may occur at CSO outfalls 010A and 010B, in violation of Portsmouth's NPDES permit and the Act. Therefore, Portsmouth shall complete the following actions on or before the specified dates, as initial steps towards bringing its CSOs into compliance with its permit and the Act. Plans and schedules submitted under this section may, when approved by the United States Attorney, EPA, and the State, be filed by the United States Attorney, EPA, or the State as a stipulation by Portsmouth and the parties, together with a motion that they be incorporated into this Decree. If Portsmouth fails to make any submission required







under this section to the satisfaction of the United States Attorney, EPA, or the State, then the United States Attorney, EPA, or the State may, in addition to seeking any other relief, submit a proposed schedule or plan to the Court for incorporation into this Decree.

a. The City shall perform a hydraulic analysis of that segment of its sewer system beginning at South Mill Pond and concluding at the Mechanic Street Pumping Station. The purpose of the analysis is to determine the system's capability and capacity to prevent dry weather overflows and CSO discharges. The Report shall be submitted to the United States Attorney, EPA, and the State of New Hampshire by January 1, 1991.

b. A draft CSO Monitoring Plan and Scope of Services ("CSO Plan") to determine the extent of water quality impacts shall be developed and submitted by Portsmouth to the United States Attorney, EPA and the State of New Hampshire for review and approval on or before May 1, 1990. The CSO Plan shall be of sufficient scope to allow development of a facilities plan that assesses a range of alternative CSO abatement measures and dry weather overflows ("DWO") elimination measures. The CSO Plan shall include, but not be limited to, quantity and quality monitoring of CSO discharges, modeling, manpower requirements and their concomitant costs. Portsmouth shall implement the CSO Plan as approved by the U.S. Attorney, EPA, and the State of New Hampshire. In any event, Portsmouth shall measure flow continuously beginning no later than April 1, 1990 at CSOs 010A







and 010B (South Mill Pond) for any dry weather discharges and during storm events; and shall report the results on a monthly basis as part of its Discharge Monitoring Report. The intensity and duration of the storm, as well as the extent and duration of any discharges, shall also be reported and included with the Discharge Monitoring Report.

c. By January 1, 1991, Portsmouth shall submit to the United States Attorney, EPA, and the State for their review and approval, a CSO Facilities Plan which evaluates the specific causes of the dry and wet weather overflows and CSO violations at outfalls 010A and 010B. The CSO Facilities Plan shall recommend corrective measures to eliminate the violations. Portsmouth's CSO Facilities Plan shall include an implementation schedule for achieving water quality standards at its CSO outfalls, and for the elimination of dry weather overflows. Upon receiving written approval of its CSO Facilities Plan and implementation schedule from the United States Attorney, EPA, and the State, Portsmouth shall implement the schedule. Portsmouth may base its proposed implementation schedule on an anticipated approval date with proposed adjustments in the schedule in the event the approval of the United States and the State of New Hampshire has not been obtained by the anticipated date.

d. Portsmouth shall permanently cease any and all dry weather discharges from its CSO outfalls by no later than February 25, 1992, unless (a) both the United States and the State of New Hampshire approve a later date or (b) the Court, in







accordance with the procedures set forth below, establishes a later date for the cessation of dry weather discharges from Portsmouth's CSO outfalls. If, upon submission of the CSO Facilities Plan referred to in paragraph 9.c above, Portsmouth seeks a later date than February 25, 1992 for the termination of dry weather discharges from its CSO outfalls and either the United States or the State of New Hampshire does not approve the later date, the date for Portsmouth's termination of dry weather discharges from its CSO outfalls shall remain February 25, 1992 unless Portsmouth files a petition with the Court for resolution of the dispute within thirty (30) days of receipt of the final disapproval by the United States and/or the State of New Hampshire. The petition shall set out the nature of the dispute with a proposal for its resolution. The United States and/or the State of New Hampshire, whichever disapproves Portsmouth's proposed change in date, will have thirty days in which to respond with its proposal. In any such dispute, Portsmouth shall have the burden of proving that the proposal of the United States and/or the State of New Hampshire, whichever disapproves Portsmouth's proposed change in date, is unreasonable and that Portsmouth's proposal will achieve compliance with the terms and conditions of its NPDES permit, the Act and implementing regulations as expeditiously as possible

e. No later than sixty (60) days after approval by the United States Attorney, EPA and the State of the Report required in paragraph 9.c., supra, Portsmouth shall award the contract for







final design to implement the required corrective measures as outlined in the approved Report. Portsmouth shall notify the United States Attorney, EPA, and the State that such final design has commenced.

f. If by February 1, 1991, the parties are unable to agree on the nature of the CSO abatement projects with regard to Portsmouth's achievement of water quality standards at its CSO outfalls or a schedule for their implementation, then the United States or the State of New Hampshire may move this Court to order that a proposed project, schedule or plan for achievement of water quality standards at Portsmouth's CSO outfalls be incorporated as part of this Modified Decree.

#### FUNDING

10. Performance of the terms of this Consent Decree by Portsmouth is not contingent on the receipt of any federal or state grant or loan funds or any source of funds. In addition, performance is not excused by the lack of any federal or state grant or loan funds or any other source of funds, nor is performance excused by any delay in the processing of any application for any federal or state grant or loan funds.

#### REPORTING

11.A. On or before the fifteenth (15th) day of each calendar month, following the calendar month in which this Consent Decree is entered, and continuing until termination of this Decree, Portsmouth shall submit in writing to the United States Attorney for the District of New Hampshire, EPA, the

*Copies of  
Mon. 1/1/91  
report*







Department of Environmental Services for the State of New Hampshire, and the New Hampshire Attorney General's Office a report containing the following information:

- a. The status and progress of construction and other projects under this Decree;
- b. The results of sampling, monitoring, testing and evaluation set forth or referred to in paragraphs 7 or 8, as applicable, and 9.b. of this Decree;
- c. A statement as to compliance or non-compliance with each requirement of this Decree, including the construction schedule contained in paragraph 6; the interim or final effluent limits as applicable, and the monitoring, testing and evaluation requirements as applicable in paragraphs 7, 8 and paragraph 9; where there is non-compliance with any provision of this Decree, the report shall include an explanation of such non-compliance, a statement of any corrective action taken or to be taken, and the timing of such corrective action. The report shall also include a projection of the work to be performed pursuant to this Decree during the succeeding six months. The report shall also include the detailing of any change orders submitted by Portsmouth to the State in connection with which the City requests, pursuant to paragraph 6.B, time extension(s) to the deadline in paragraph 6.A.f. not to exceed 12 weeks total, i.e., to no later than



Department of Environmental Services for the State of New  
Hampshire, and the New Hampshire Attorney General's Office  
have agreed to the following arrangement:  
1. The Department of Environmental Services and the  
Attorney General's Office shall jointly conduct a  
study of the existing laws and regulations relating to  
the protection of the State's natural resources and  
the prevention of pollution. The study shall include  
a review of the existing laws and regulations, and  
a determination of the need for new laws and  
regulations. The study shall also include a  
determination of the need for new enforcement  
mechanisms. The study shall be completed by  
the Department of Environmental Services and the  
Attorney General's Office by the end of the  
fiscal year 1980. The results of the study  
shall be submitted to the Governor and the  
Legislature for their consideration.



January 22, 1992. Notification to the United States Attorney, EPA and the State of New Hampshire pursuant to this paragraph of any anticipated delay will not excuse the delay.

(d) Portsmouth shall perform the Additional Monitoring Requirements as set forth in Parts I.C and E of its NPDES Permit and report the results thereof.

12. In addition, within ten (10) days immediately following the deadline date of any requirement pursuant to the construction schedule contained in paragraph 6 of this Consent Decree, Portsmouth shall notify the United States Attorney, EPA and the State of New Hampshire, in writing, of compliance or non-compliance with said requirement, the reason(s) for any non-compliance, and a plan for preventing non-compliance in the future.

13. Each report submitted pursuant to paragraphs 11 and 12 above shall be signed by a responsible official of Portsmouth and shall contain the following certification by that officer:

"I certify that the information contained in or accompanying this report is true, accurate, and complete. As to any identified portions of this report for which I cannot personally verify its truth and accuracy, I certify as the official having supervisory responsibility for the person(s) who, acting under my authority, made the verification, that this information is true, accurate and complete."

14. All submissions required by this Consent Decree to be sent by Portsmouth to the United States Attorney, EPA, DES and



January 12, 1952. Notification to the United States

Attorney General and the State Department regarding the

to the Department of the Interior, Bureau of Land

Management, Washington, D.C.

Re: The proposed acquisition of certain lands in

the State of California, for the purpose of

establishing a national monument.

1. In accordance with the provisions of the

Antiquities Act, the Secretary of the Interior

has the honor to inform you that the

proposed acquisition of certain lands in

the State of California, for the purpose of

establishing a national monument, is being

considered by the Secretary of the Interior.

Very

Respectfully,  
Sincerely,  
Very truly yours,

John Edgar Hoover, Director, Federal Bureau of Investigation

Enclosed for the Secretary of the Interior are

three copies of the report of the

Department of the Interior, Bureau of Land

Management, dated January 10, 1952, and

three copies of the report of the

Department of the Interior, Bureau of Land

Management, dated January 10, 1952, and

three copies of the report of the

Department of the Interior, Bureau of Land

Management, dated January 10, 1952, and



the Attorney General of the State of New Hampshire, shall be made in writing to the following addresses, respectively:

United States Attorney  
District of New Hampshire  
P.O. Box 480  
Concord, New Hampshire 03302-0480

Permit Compliance Section (WCC-2103)  
U.S. Environmental Protection Agency  
Region I  
John F. Kennedy Federal Building  
Boston, Massachusetts 02203

New Hampshire Office Of The Attorney General  
Environmental Protection Bureau  
State House Annex  
25 Capitol Street  
Concord, NH 03301

New Hampshire Department of Environmental Services  
Water Quality and Permit Compliance Bureau,  
Administrator  
Hazen Drive  
P.O. Box 95  
Concord, New Hampshire 03302-0095

15. The aforementioned reporting requirements do not relieve Portsmouth of its obligation to submit any other reports or information required by the Act, the regulations promulgated under the Act, its applicable NPDES permit or the New Hampshire statute.

FORCE MAJEURE

16. If Portsmouth, or any entity controlled by Portsmouth, including its contractors and consultants, fails to comply with any provision of this Consent Decree, Portsmouth shall notify the Court, the United States Attorney for the District of New Hampshire, EPA, the New Hampshire Department of Environmental Services and the Attorney General of the State of New Hampshire,



the Attorney General of the State of New Hampshire, and the

Attorney General of the State of New Hampshire, respectively,

United States Attorney  
District of New Hampshire  
P.O. Box 100  
Concord, New Hampshire 03301

Permit Compliance Section (202-100)  
U.S. Environmental Protection Agency  
Region 1  
John F. Kennedy Federal Building  
Boston, Massachusetts 02108

New Hampshire Office of the Attorney General  
The Honorable E. Leighton Wheeler  
State House Annex  
100 Capitol Street  
Concord, NH 03301

New Hampshire Department of Environmental Services  
Water Quality and Control Division  
100 Water Street  
Nashua, NH 03063  
Attn: Mr. J. J. O'Connell  
Concord, New Hampshire 03301

The aforementioned reporting and monitoring system is  
being installed at the site of the proposed development  
in accordance with the requirements of the New Hampshire  
Department of Environmental Services, and the New Hampshire  
Department of Health and Human Resources.

### FOOTNOTES

1. If the proposed development is not fully completed by the  
deadline for the monitoring and reporting system, the  
provisions of this Consent Decree shall not apply to the  
development. The Attorney General of the State of New  
Hampshire and the Attorney General of the State of New  
Hampshire shall be jointly and severally liable for the



in writing within ten (10) days of such non-compliance. The notice shall describe in detail: (a) the anticipated duration of the non-compliance; (b) the precise cause or causes of the non-compliance; (c) the measures taken and prospective measures to prevent or minimize the non-compliance; and (d) the timetable for the implementation of the corrective measures. Portsmouth shall also notify the Court, the United States Attorney, EPA, the New Hampshire Department of Environmental Services and the Attorney General of the State of New Hampshire in accordance with the requirements of this section within ten (10) days of when Portsmouth has reason to believe that non-compliance with any provision of this Consent Decree is likely to occur. Portsmouth shall adopt all reasonable measures to avoid or minimize non-compliance. Failure by Portsmouth to comply with the notice requirements of this paragraph shall render paragraphs 17 through 21 regarding force majeure void and of no effect as to the particular incident involved and shall constitute a waiver of Portsmouth's right to request an extension of time for its obligations under this Consent Decree based on the incident.

17. If the United States and the State of New Hampshire agree that Portsmouth's failure to comply with a provision of this Consent Decree has been or will be caused entirely by circumstances beyond the control of the City of Portsmouth and of any entity controlled by or under the common control of Portsmouth, including Portsmouth's consultants and contractors, and that Portsmouth could not have reasonably foreseen and







prevented such noncompliance, the parties shall stipulate in writing to an extension of time for performance of such requirement, not to exceed the actual delay resulting from such circumstances, and stipulated penalties shall not be due for such delay.

18. If the parties are unable to agree whether Portsmouth's failure to comply with a provision of this Decree was caused entirely by circumstances beyond the control of and without the fault of Portsmouth and of any entity controlled by Portsmouth, or on the number of days of noncompliance that were caused by such circumstances, the matter may be submitted by any party to the Court for resolution. If the Court then determines that the failure to comply was caused entirely by circumstances beyond the control of Portsmouth and of any entity controlled by Portsmouth, including Portsmouth's consultants and contractors, and it is determined that Portsmouth or any entity controlled by Portsmouth could not have foreseen and prevented such noncompliance, and that Portsmouth or any entity controlled by Portsmouth took all reasonable measures to avoid or minimize such noncompliance, Portsmouth shall be excused as to the failure to comply for the period of time the noncompliance continued due to such circumstances.

19. Portsmouth shall bear the burden of proof in establishing that: (a) the non-compliance was caused entirely by circumstances beyond the control of Portsmouth and of any entity controlled by Portsmouth, including its contractors and



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consultants; (b) that Portsmouth or any entity controlled by Portsmouth could not have reasonably foreseen and prevented such non-compliance; (c) that Portsmouth or any entity controlled by Portsmouth took all reasonable measures to avoid or minimize such non-compliance and (d) the number of days of non-compliance that were caused by such circumstances.

20. Unanticipated or increased costs or expenses associated with the implementation of actions called for by this Consent Decree or changed financial circumstances or failure to obtain funds or decrease in revenues, shall not, in any event, serve as a basis for changes in this Consent Decree or extensions of time under this Consent Decree.

21. The United States and the State of New Hampshire reserve any and all legal and equitable remedies available to enforce the provisions of this Decree and applicable law.

PENALTY FOR PAST VIOLATIONS

22. Portsmouth shall pay a civil penalty in the amount of \$100,000 to the United States in satisfaction of civil penalty claims for Portsmouth's violations of the Clean Water Act as alleged in the Complaint through the date of entry of this Decree. Within thirty (30) days after the date of entry of this Decree, payment shall be tendered to the United States Attorney for the District of New Hampshire, 55 Pleasant Street, Room 439, Post Office Box 480, Concord, New Hampshire 03302-0480, in the form of a certified check made payable to "Treasurer of the United States of America". In the event of failure to make







timely payment, interest will be charged in accordance with statutory judgment interest rate established pursuant to 28 U.S.C. § 1961 from the time the payment is due until such payment is made. The United States is not precluded from any other remedy available to it to accomplish payment.

STIPULATED PENALTIES

23. The failure of Portsmouth to comply with any requirement of this Decree shall obligate Portsmouth to pay stipulated penalties as follows:

(a) Five hundred dollars (\$500.00) per day per violation for the first thirty (30) days of violation, seven hundred and fifty dollars (\$750.00) per day per violation for the next thirty (30) days, and one thousand dollars (\$1,000.00) per day per violation for any days beyond sixty (60) days for each violation of a deadline date in the construction schedule set forth in paragraph 6 of this Decree.

(b) Three hundred dollars (\$300.00) per day for each violation by Portsmouth of each and any daily maximum discharge limit set forth or referenced in paragraphs 7 or 8 of this Decree.

(c) Two thousand dollars (\$2,000.00) per month per violation for each violation of each and any average monthly effluent limit set forth or referenced in paragraphs 7 or 8.

(d) One thousand dollars (\$1,000.00) per day for each violation of the bypass prohibition set forth in paragraph 8.

(e) Two hundred and fifty dollars (\$250.00) per day for each failure to properly and timely submit notifications, reports or plans (other than the CSO Facilities Plan covered by 9(f)) or perform sampling or fulfill monitoring obligations as required under this Consent Decree.

(f) One thousand dollars (\$1,000.00) per day for failure to properly and timely submit the CSO Facilities Plan required under paragraph 9.c. of this Consent Decree.



likely payment in full will be charged in accordance with the terms of the contract. The amount of the payment shall be determined by the court. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings.

ARTICLE IV

1. The purpose of this contract is to provide for the payment of the debt of the defendant to the plaintiff. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings.

2. The plaintiff shall be entitled to receive the sum of \$100,000.00 from the defendant. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings.

3. The defendant shall be liable for the payment of the debt of the plaintiff. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings.

4. The plaintiff shall be entitled to receive the sum of \$100,000.00 from the defendant. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings.

5. The defendant shall be liable for the payment of the debt of the plaintiff. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings.

6. The plaintiff shall be entitled to receive the sum of \$100,000.00 from the defendant. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings.

7. The defendant shall be liable for the payment of the debt of the plaintiff. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings. The court may also order the defendant to pay the costs of the proceedings.



(g) One thousand dollars (\$1,000.00) per day for each violation of the dry weather discharge prohibition set forth in paragraph 9.d. of this Consent Decree.

24. Stipulated penalties shall be paid automatically without demand on or before the fifteenth (15th) day of the month following the month in which the violation(s) occurred. The payment shall be made by certified check, payable to "Treasurer of the United States of America" and tendered to the United States Attorney for the District of New Hampshire, 55 Pleasant Street, Room 439, P.O. Box 480, Concord, New Hampshire 03302-0480. Each such check shall be accompanied by a letter describing the basis for each penalty. Copies of all such letters shall also be mailed to the Environmental Protection Agency and the State.

25. In the event that a stipulated penalty is not paid on time, as required by the preceding paragraph, such penalty shall be subject to interest at the statutory judgment rate established pursuant to 28 U.S.C. § 1961 from the date the penalty was due until payment is made.

#### RIGHT OF ENTRY

26. Until termination of the provisions of this Consent Decree, the United States Attorney, EPA, the State of New Hampshire and their representatives including the Department of Environmental Services ("DES"), contractors and consultants and attorneys for the United States and State of New Hampshire, shall have the authority to enter any facility covered by this Decree,







at all times, upon proper presentation of credentials, for the purposes of:

- (a) monitoring the progress of activities required by this Decree;
- (b) verifying any data or information submitted in accordance with the terms of this Decree;
- (c) obtaining any samples or, on request, splits of any samples taken by Portsmouth or its consultants; and
- (d) assessing Portsmouth's compliance with this Decree.

This provision in no way limits or otherwise affects any right of entry held by the United States or the State of New Hampshire pursuant to applicable federal or state laws, regulations or permits.

NOT A PERMIT

27. This Decree is not and shall not be interpreted to be a permit or a modification of Portsmouth's NPDES Permit, issued pursuant to section 402 of the Clean Water Act, 33 U.S.C. § 1342, or State statute or permit, nor shall it in any way relieve Portsmouth of its obligation to obtain permits and comply with the requirements of any applicable discharge permit or with any other federal or state law or regulation. Any new permit or modification of its existing permit, must be complied with by Portsmouth in accordance with applicable federal and state laws and regulations.







OBLIGATION TO COMPLY

28. The pendency of any proceedings concerning the issuance, reissuance or modification of any discharge permit shall not affect, postpone, or diminish Portsmouth's duties and liabilities as set forth in this Consent Decree. Furthermore, notwithstanding any other provisions of this Decree, the obligation to achieve and maintain complete compliance with the terms, provisions, and requirements of this Decree, the Act and the applicable regulations and permits rests solely with the City of Portsmouth.

NON-WAIVER PROVISION

29. By this Decree, neither the United States nor the State of New Hampshire waive any rights or remedies available to it for any violation by Portsmouth of the Act and associated regulations or permit conditions. Furthermore, this Decree in no way affects the ability of the United States or the State of New Hampshire to bring an action for further relief pursuant to federal or state law for any violations not specifically alleged in the Complaint. This Decree in no way affects or relieves Portsmouth of responsibility to comply with any other federal, state or local laws or regulations.

30. Nothing herein shall be construed to limit the power of the United States, or the State of New Hampshire consistent with their respective authorities to undertake any action against any person, including Portsmouth, in response to conditions which may



ARTICLE IV

1. The principle of the prohibition of the use of force in international relations is a principle of general international law. It is a principle which is binding on all States. It is a principle which is derived from the very nature of the international legal system. It is a principle which is essential for the maintenance of peace and order in the world. It is a principle which is the basis of the entire international legal system. It is a principle which is the foundation of the entire international legal system. It is a principle which is the basis of the entire international legal system. It is a principle which is the foundation of the entire international legal system.

ARTICLE V

2. The principle of the prohibition of the use of force in international relations is a principle of general international law. It is a principle which is binding on all States. It is a principle which is derived from the very nature of the international legal system. It is a principle which is essential for the maintenance of peace and order in the world. It is a principle which is the basis of the entire international legal system. It is a principle which is the foundation of the entire international legal system. It is a principle which is the basis of the entire international legal system. It is a principle which is the foundation of the entire international legal system.

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present an imminent and substantial endangerment to the public health, welfare or the environment.

COST OF SUIT

31. Portsmouth, the United States and the State of New Hampshire shall each bear its own costs and attorney's fees in this action. Should Portsmouth violate the terms and conditions of this Decree, then Portsmouth shall be liable to the United States for any costs and attorney's fees incurred by the United States in any actions against Portsmouth for non-compliance with this Consent Decree and, similarly, Portsmouth shall be liable to the State of New Hampshire for any costs and attorney's fees incurred by the State of New Hampshire in any actions against Portsmouth for non-compliance with the Consent Decree.

PUBLIC COMMENT

32. The parties agree and acknowledge that final approval by the United States and entry of this Decree is subject to the requirements of 28 C.F.R. § 50.7, which provides for notice and opportunity for public comment. Portsmouth and the State consent to the entry of this Decree without further notice. The United States consents to the entry of this Decree, subject to publication of notice thereof in the Federal Register, pursuant to 28 C.F.R. § 50.7, and an opportunity to consider comments thereon.

SEVERABILITY

33. The provisions of this Consent Decree shall be severable. Should any provision be declared by a court of



1. The purpose of this Agreement is to provide for the peaceful settlement of disputes between the Parties.

2. The Parties agree to submit to the Arbitration Panel any dispute which may arise between them in connection with this Agreement.

### ARTICLE I

1.1. The Parties agree to submit to the Arbitration Panel any dispute which may arise between them in connection with this Agreement.

1.2. The Arbitration Panel shall be composed of three members, one appointed by each Party and one appointed by the Parties jointly.

1.3. The Arbitration Panel shall have the authority to hear and determine any dispute submitted to it by the Parties.

1.4. The Arbitration Panel shall have the authority to make any award or decision which it deems appropriate.

1.5. The Arbitration Panel shall have the authority to make any award or decision which it deems appropriate.

1.6. The Arbitration Panel shall have the authority to make any award or decision which it deems appropriate.

1.7. The Arbitration Panel shall have the authority to make any award or decision which it deems appropriate.

1.8. The Arbitration Panel shall have the authority to make any award or decision which it deems appropriate.

1.9. The Arbitration Panel shall have the authority to make any award or decision which it deems appropriate.

1.10. The Arbitration Panel shall have the authority to make any award or decision which it deems appropriate.

### ARTICLE II

2.1. The Parties agree to submit to the Arbitration Panel any dispute which may arise between them in connection with this Agreement.

2.2. The Arbitration Panel shall be composed of three members, one appointed by each Party and one appointed by the Parties jointly.

2.3. The Arbitration Panel shall have the authority to hear and determine any dispute submitted to it by the Parties.

2.4. The Arbitration Panel shall have the authority to make any award or decision which it deems appropriate.

2.5. The Arbitration Panel shall have the authority to make any award or decision which it deems appropriate.

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2.7. The Arbitration Panel shall have the authority to make any award or decision which it deems appropriate.

2.8. The Arbitration Panel shall have the authority to make any award or decision which it deems appropriate.

2.9. The Arbitration Panel shall have the authority to make any award or decision which it deems appropriate.

### ARTICLE III

3.1. The provisions of this Agreement shall be binding on the Parties.

3.2. The provisions of this Agreement shall be binding on the Parties.



competent jurisdiction to be inconsistent with federal or state law, and therefore unenforceable, the remaining provisions of this Decree shall remain in full force and effect.

RETENTION OF JURISDICTION

34. The Court shall retain jurisdiction to enforce, including by contempt order, the terms and conditions of this Consent Decree, to make modifications necessary to effectuate compliance with the Act, this Decree, applicable NPDES permits, and any applicable federal regulations and to resolve all disputes arising hereunder as may be necessary for the construction or execution of this Decree.

TERMINATION OF THIS DECREE

35. When Portsmouth has paid all outstanding penalties, completed all remedial measures specified herein, and achieved full compliance with all requirements, including the final effluent limits of its applicable NPDES Permit, for a period of one year continuously to the satisfaction of the United States Attorney, Environmental Protection Agency, and State of New Hampshire, then any party may move for termination of this Decree.

JUDGMENT IS HEREBY ENTERED IN ACCORDANCE WITH THE FOREGOING  
 CONSENT DECREE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1989.

Dated: \_\_\_\_\_

\_\_\_\_\_  
 United States District Judge



document is intended to be incorporated into the record of the  
the above mentioned case, the fact that the document is  
this is a matter which remains in the hands of the court.

REVISION OF THE DECISION

The Court shall remain authorized to amend  
its decision by consent of the parties and to correct errors  
of course, to make such amendments as may be necessary  
to conform with the law and the facts, and to make such  
and any amendments which may be necessary to make the  
decision more complete as may be necessary for the  
purpose of execution of this decision.

REVISION OF THE DECISION

The Court shall remain authorized to amend  
its decision by consent of the parties and to correct errors  
of course, to make such amendments as may be necessary  
to conform with the law and the facts, and to make such  
and any amendments which may be necessary to make the  
decision more complete as may be necessary for the  
purpose of execution of this decision.

IT IS ORDERED that the decision be revised in accordance with the foregoing  
and that the parties be notified of the same.

Done at \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.



CONSENTED TO:

FOR THE UNITED STATES OF AMERICA:

Dated: November 14, 1990

Jeffrey R. Howard  
JEFFREY R. HOWARD  
United States Attorney  
District of New Hampshire  
P.O. Box 480  
Concord, NH 03302-0480

Dated: 11.11.90

Richard B. Stewart  
Richard B. Stewart  
Assistant Attorney General  
Land & Natural Resources Division  
U.S. Department of Justice  
10th & Pennsylvania Ave., NW  
Washington, DC 20530

Dated: November 14, 1990

Nancy E. Hart  
Nancy E. Hart  
Assistant U.S. Attorney  
District of New Hampshire  
P.O. Box 480  
Concord, NH 03302-0480

Dated: November 5, 1990

James M. Strock  
James M. Strock  
Assistant Administrator For  
Enforcement and Compliance  
Monitoring  
Environmental Protection Agency  
401 "M" Street  
Washington, DC 20460

Dated: 6/14/90

Joshua Secunda  
Joshua Secunda, Assistant Regional  
Counsel  
Environmental Protection Agency  
Region I  
JFK Federal Building  
Boston, MA 02203-2211



CONFIDENTIAL TO:  
FOR THE UNITED STATES OF AMERICA

*[Signature]*  
Special Agent in Charge  
Federal Bureau of Investigation  
P.O. Box 500  
Washington, D.C. 20535

*[Signature]*  
Date: 1/11/68

*[Signature]*  
Special Agent in Charge  
Federal Bureau of Investigation  
P.O. Box 500  
Washington, D.C. 20535

*[Signature]*  
Date: 1/11/68

*[Signature]*  
Special Agent in Charge  
Federal Bureau of Investigation  
P.O. Box 500  
Washington, D.C. 20535

*[Signature]*  
Date: 1/11/68

*[Signature]*  
Special Agent in Charge  
Federal Bureau of Investigation  
P.O. Box 500  
Washington, D.C. 20535

*[Signature]*  
Date: 1/11/68

*[Signature]*  
Special Agent in Charge  
Federal Bureau of Investigation  
P.O. Box 500  
Washington, D.C. 20535

*[Signature]*  
Date: 1/11/68



FOR THE STATE OF NEW HAMPSHIRE:

Dated: May 28, 1990

Geoffrey M. Huntington  
John P. Arnold Attorney General  
State of New Hampshire by  
Geoffrey Huntington  
Assistant Attorney General  
State of New Hampshire  
25 Capitol Street  
Concord, NH 03301

FOR THE CITY OF PORTSMOUTH, NEW HAMPSHIRE:

Dated: May 15, 1990

Robert P. Sullivan  
Robert P. Sullivan  
City Attorney  
126 Daniel Street  
Portsmouth, NH 03801

Dated: 5/15/90

Calvin Canney  
Calvin Canney  
City Manager  
126 Daniel Street  
Portsmouth, NH  
Pursuant to authority delegated by  
the City Council of the City of  
Portsmouth





FOR THE STATE OF NEW YORK

IN SENATE

JOHN S. MANNING, JR.  
Governor  
ALBANY, N. Y.  
JANUARY 1, 1911

FOR THE CITY OF BOSTON, MASS.

IN SENATE

JOHN S. MANNING, JR.  
Governor  
ALBANY, N. Y.  
JANUARY 1, 1911

IN SENATE

JOHN S. MANNING, JR.  
Governor  
ALBANY, N. Y.  
JANUARY 1, 1911



4002.08

CITY OF PORTSMOUTH  
DEPARTMENT OF PUBLIC WORKS  
INTEROFFICE MEMORANDUM

**To:** Peter Rice

**CC:** David Allen, Mike Jenkins, Artie Lane, and Art Hoffman

**From:** Tom Richter

**Date:** May 1, 2002

**RE:** CSO 10A and CSO 10B – April 2002 Results

Joy  
FYI  
DB  
5/21

---

See attached CSO flow monitoring and rainfall results for April 2002 to be attached to the DMR report for the Peirce Island WWTF.

Note the rainfall related CSO events for:

**CSO 10A**

There were no overflows during this time period.

**CSO 10B**

There were no overflows during this time period.



# THE HISTORY OF THE CITY OF NEW YORK FROM 1624 TO 1898

By JOHN E. BOWEN, LL.D.,  
Author of "The History of the City of New York from 1624 to 1898"

Published by the  
NEW YORK PUBLIC LIBRARY, ASTOR LENOX TILDEN FOUNDATION

1898

NEW YORK



# CSO10A - Monthly Flow and Rain Summary Report

Site:CSO10A0000 127 Parrot Ave,Portsmouth, NH

Daterange: 04/01/02-05/02/02

Primary Device: Area Velocity

Location: 127 Parrot Ave,Portsmouth, NH

Territory: Portsmouth, NH

Shape: Round Pipe

Site ID: 00000010

Region: Monitoring Sites

Diameter(ft): 2.5

Serial#: R5U

Date	Flow Avg (mgd)	Min Flow Min (mgd)	Max Flow Max (mgd)	Rain Gauge day total (inches)
04/01 12:00 am	.0000	.0000	.0000	.6700
04/02 12:00 am	.0000	.0000	.0000	.0000
04/03 12:00 am	.0000	.0000	.0000	.4400
04/04 12:00 am	.0000	.0000	.0000	.0000
04/05 12:00 am	.0000	.0000	.0000	.0000
04/06 12:00 am	.0000	.0000	.0000	.0000
04/07 12:00 am	.0000	.0000	.0000	.0000
04/08 12:00 am	.0000	.0000	.0000	.0000
04/09 12:00 am	.0000	.0000	.0000	.0000
04/10 12:00 am	.0000	.0000	.0000	.0100
04/11 12:00 am	.0000	.0000	.0000	.0000
04/12 12:00 am	.0000	.0000	.0000	.0000
04/13 12:00 am	.0000	.0000	.0000	.0200
04/14 12:00 am	.0000	.0000	.0000	.0200
04/15 12:00 am	.0000	.0000	.0000	.4200
04/16 12:00 am	.0000	.0000	.0000	.0000
04/17 12:00 am	.0000	.0000	.0000	.0000
04/18 12:00 am	.0000	.0000	.0000	.0000
04/19 12:00 am	.0000	.0000	.0000	.0100
04/20 12:00 am	.0000	.0000	.0000	.0300
04/21 12:00 am	.0000	.0000	.0000	.0000
04/22 12:00 am	.0000	.0000	.0000	.1800
04/23 12:00 am	.0000	.0000	.0000	.0000
04/24 12:00 am	.0000	.0000	.0000	.0000
04/25 12:00 am	.0000	.0000	.0000	.4500
04/26 12:00 am	.0000	.0000	.0000	.9900
04/27 12:00 am	.0000	.0000	.0000	.0000
04/28 12:00 am	.0000	.0000	.0000	.3900
04/29 12:00 am	.0000	.0000	.0000	.1300
04/30 12:00 am	.0000	.0000	.0000	.0200

## REPORT STATISTICS

Min.	.0000	.0000	.0000	.0000
Avg.	.0000	.0000	.0000	.1260
Max.	.0000	.0000	.0000	.9900
Total	.0000 mg			



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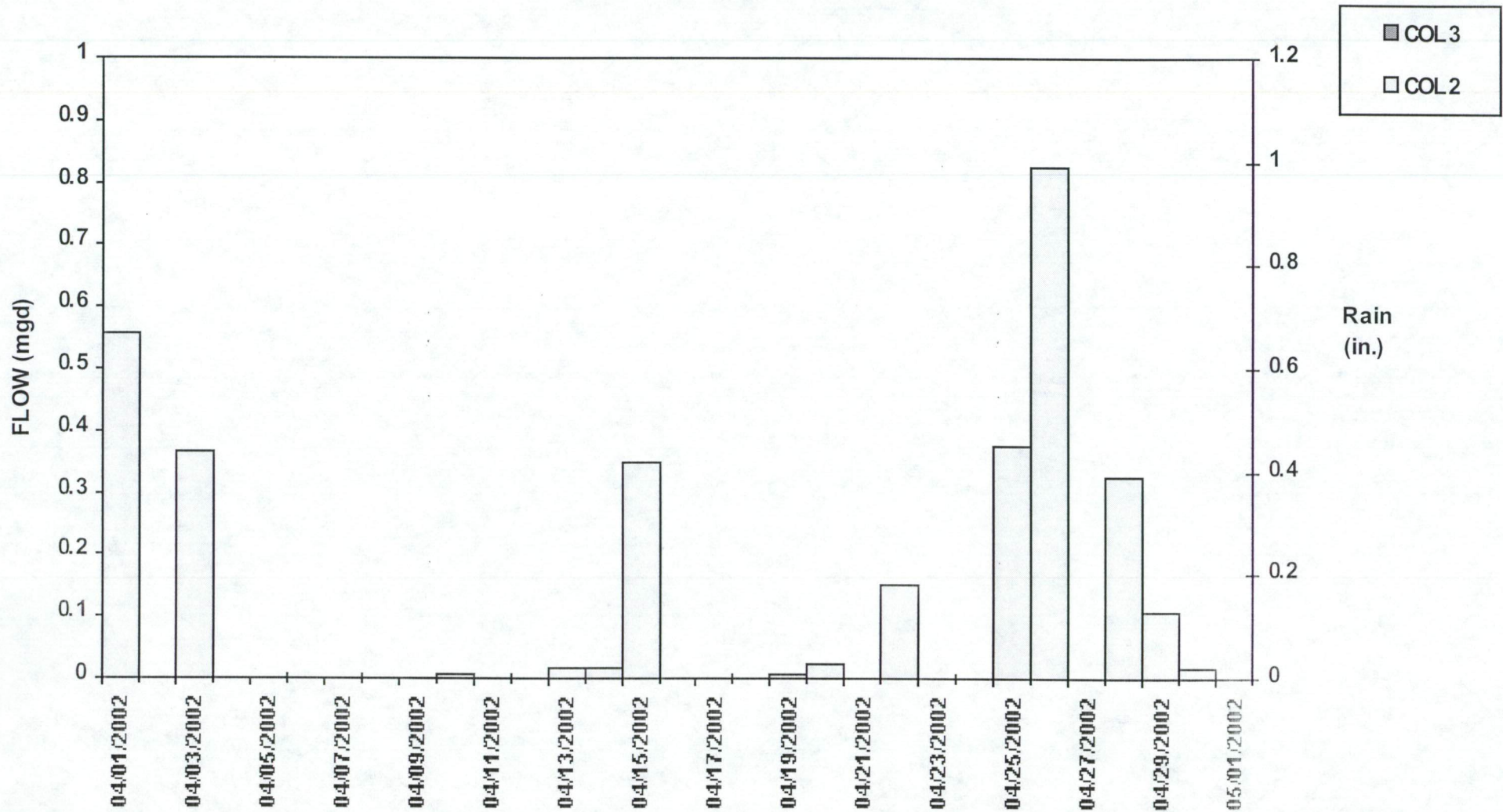
THE UNIVERSITY OF CHICAGO PRESS



# CSO10A - Flow and Rain vs Time (day)

Site:CSO10A0000 127 Parrot Ave,Portsmouth, NH

## CSO10A Information - Portsmouth, NH



Daterange: 04/01/02 00:00-05/02/02 00:00  
Territory: Portsmouth, NH  
Region: Monitoring Sites

Primary Device: Area Velocity  
Siltng(in): 0  
920 F.M. VERSION: 1.03

Location: 127 Parrot Ave,Portsmouth, NH  
Site ID: 00000010  
Serial#: R5U







# CSO10B - Monthly Flow and Rain Summary Report

Site:CSO10B0000 10B Parrott Ave @ Rogers

Daterange: 04/01/02-05/02/02

Primary Device: Area Velocity

Location: 10B Parrott Ave @ Rogers

Territory: Portsmouth, NH

Shape: Rectangular

Site ID: 00000010

Region: Monitoring Sites

Width(ft): 3

Serial#: RZ5

Depth(ft): 2

Date	Flow Avg (mgd)	Min Flow Min (mgd)	Max Flow Max (mgd)	Rain Gauge day total inches
04/01 12:00 am	.0000	.0000	.0000	.6700
04/02 12:00 am	.0000	.0000	.0000	.0000
04/03 12:00 am	.0000	.0000	.0000	.4400
04/04 12:00 am	.0000	.0000	.0000	.0000
04/05 12:00 am	.0000	.0000	.0000	.0000
04/06 12:00 am	.0000	.0000	.0000	.0000
04/07 12:00 am	.0000	.0000	.0000	.0000
04/08 12:00 am	.0000	.0000	.0000	.0000
04/09 12:00 am	.0000	.0000	.0000	.0000
04/10 12:00 am	.0000	.0000	.0000	.0100
04/11 12:00 am	.0000	.0000	.0000	.0000
04/12 12:00 am	.0000	.0000	.0000	.0000
04/13 12:00 am	.0000	.0000	.0000	.0200
04/14 12:00 am	.0000	.0000	.0000	.0200
04/15 12:00 am	.0000	.0000	.0000	.4200
04/16 12:00 am	.0000	.0000	.0000	.0000
04/17 12:00 am	.0000	.0000	.0000	.0000
04/18 12:00 am	.0000	.0000	.0000	.0000
04/19 12:00 am	.0000	.0000	.0000	.0100
04/20 12:00 am	.0000	.0000	.0000	.0300
04/21 12:00 am	.0000	.0000	.0000	.0000
04/22 12:00 am	.0000	.0000	.0000	.1800
04/23 12:00 am	.0000	.0000	.0000	.0000
04/24 12:00 am	.0000	.0000	.0000	.0000
04/25 12:00 am	.0000	.0000	.0000	.4500
04/26 12:00 am	.0000	.0000	.0000	.9900
04/27 12:00 am	.0000	.0000	.0000	.0000
04/28 12:00 am	.0000	.0000	.0000	.3900
04/29 12:00 am	.0000	.0000	.0000	.1300
04/30 12:00 am	.0000	.0000	.0000	.0200

## REPORT STATISTICS

Min.	.0000	.0000	.0000	.0000
Avg.	.0000	.0000	.0000	.1260
Max.	.0000	.0000	.0000	.9900
Total	.0000 mg	.0000 mgd	.0000 mgd	



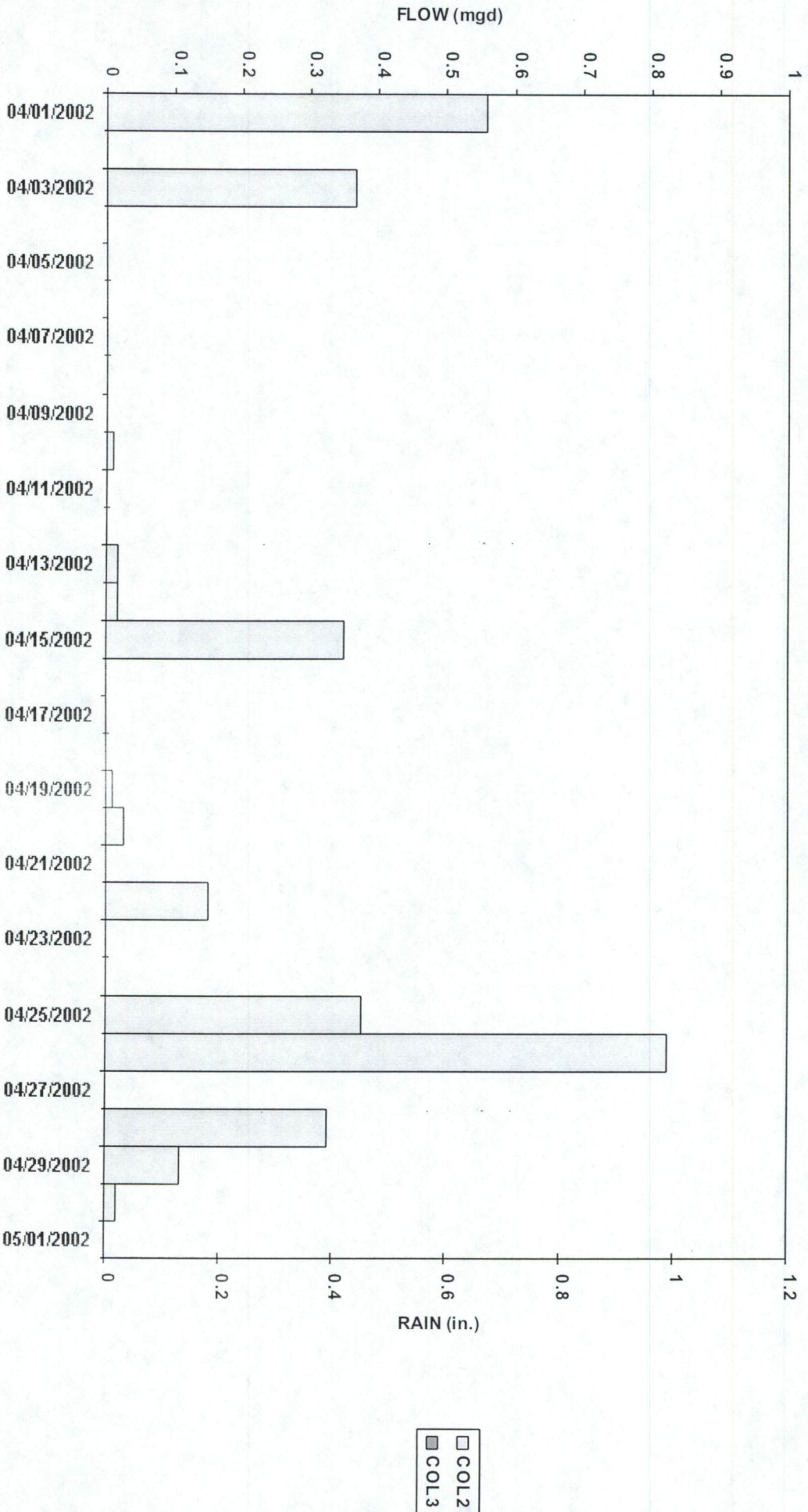




# CSO10B - Flow and Rain vs Time (day)

Site:CSO10B0000 10B Parrott Ave @ Rogers

## CSO10B Information -Portsmouth,NH



Daterange: 04/01/02 00:00-05/02/02 00:00  
Territory: Portsmouth, NH  
Region: Monitoring Sites

Primary Device: Area Velocity  
Sitting(in): 0  
920 F.M. VERSION: 1.03

Location: 10B Parrott Ave @ Rogers  
Site ID: 00000010  
Serial#: RZ5









# PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH  
680 Peverly Hill Road  
Portsmouth N.H. 03801  
(603) 427-1530 FAX (603) 427-1539

August 1, 2002

Samual Silverman, Acting Director  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency  
Post Office Box 8127  
Boston, MA 02114-2023

Attn: Eric Hall, SEW

Re: Update to NMC Document  
NPDES Permit No. N0100234  
Portsmouth, New Hampshire

Dear Mr. Silverman:

Per Administrative Order No. 02-15 dated July 11, the City of Portsmouth, New Hampshire is submitting an update to the Nine Minimum Controls for Combined Sewer Overflows previously submitted in January of 1997. Please call if you have any questions or require additional information.

Sincerely,

City of Portsmouth

Peter Rice, P. E.  
City Engineer, Water/Sewer Division

PHR/phr

cc: Steve Clifton, P.E., Underwood Engineers, Inc.  
Dave Allen, Deputy Public Works Director  
George Berlandi, NHDES

AUG 05 2002



PUBLIC WORKS DEPARTMENT

CITY OF PORTLAND

1875

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1881





# PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

680 Peverly Hill Road  
Portsmouth N.H. 03801  
(603) 427-1530 FAX (603) 427-1539

August 1, 2002

G. Dana Bisbee, Assistant Commissioner  
New Hampshire Department of Environmental Services  
Wastewater Engineering Bureau  
Permits and Compliance  
6 Hazen Drive  
Post Office Box 95  
Concord, NH 03302-0095

Attn: George Berlandi, NHDES

Re: Update to NMC Document  
NPDES Permit No. N0100234  
Portsmouth, New Hampshire

Dear Mr. Bisbee:

Per Administrative Order No. 02-15 dated July 11, the City of Portsmouth, New Hampshire is submitting an update to the Nine Minimum Controls for Combined Sewer Overflows previously submitted in January of 1997. Please call if you have any questions or require additional information.

Sincerely,

City of Portsmouth

Peter Rice, P. E.  
City Engineer, Water/Sewer Division

PHR/phr

cc: Steve Clifton, P.E., Underwood Engineers, Inc.  
Dave Allen, Deputy Public Works Director  
Eric Hall, USEPA







AUG 05 2002

**DRAFT Update 8/1/02**  
**NINE MINIMUM CONTROLS IMPLEMENTATION UPDATE**  
**CITY OF PORTSMOUTH, NEW HAMPSHIRE**

***Introduction***

In accordance with the United States Environmental Protection Agency's (EPA) Combined Sewer Overflow (CSO) Control Policy (40 CFR Part 122) dated April 1994, the City of Portsmouth (City) submitted a report on January 14, 1997 to EPA demonstrating the Nine Minimum Controls (NMC) implementation efforts being conducted by the City. At a meeting with EPA and the New Hampshire Department of Environmental Services (NHDES) on September 21, 1999, the City agreed to update the 1991 Combined Sewer Overflow Abatement Program to include the evaluation of alternatives which would result in the attainment of water quality standards either through elimination of CSOs or treatment of CSO discharges. This updated report has been submitted draft as a CSO Long-Term Control Plan (LTCP) in accordance with the 1994 EPA CSO Control Policy. The Draft Final CSO Long-Term Control Plan has been submitted under separate cover by the City's consulting engineer.

Since the Nine Minimum Controls For Combined Sewer Overflows (Underwood Engineers, Inc., January, 1997) report was prepared, the City has completed and/or initiated numerous studies and sewerage improvements that directly impact the operation of the collection system and the CSO discharges. The following sections describe these activities, measures of their success where applicable, and items the City is pursuing for additional improvements.

***NMC 1: Proper Operation And Regular Maintenance Programs For The Sewer System And The CSOs***

1. Stop logs were installed at the Mechanic Street Pumping Station emergency by-pass structure in 1999 to eliminate tidal inflow at this location.
2. A tide gate was installed at CSO 10B in August 1999 to eliminate tidal inflow at this location.
3. A tide gate was installed in January 1999 at the Deer Street Tide Chamber to eliminate tidal inflow at this location. Pumping station records indicate that tidal inflow has been successfully eliminated at this structure although some minor leakage has been observed.
4. Approximately 5,300 feet of 36-inch and 48-inch brick and granite interceptor sewer in the Deer Street Sewer Basin was cleaned and inspected in the summer/fall of 1999. One to two feet of sediment was removed along its entire length allowing a complete inspection and restoring inline storage and flow capacity.
5. Light cleaning and video inspection of all interceptor sewers and significant problem areas in the City was initiated in March 2000 to identify structural problems, inflow/infiltration and capacity restrictions. This project was completed in early fall 2000. The information collected as part of this project was incorporated into the



DRAFT Update 2/02  
SOLID WASTE MANAGEMENT ACTION PLAN  
CITY OF PORTSMOUTH, NEW HAMPSHIRE

Page 10 of 12

in accordance with the latest State Environmental Protection Agency (SEPA) Combined Sewer Overflow (CSO) Control Policy (CSO Control Policy) dated April 1997, the City of Portsmouth (City) submitted a report on January 14, 1997 to EPA demonstrating the City's Minimum Control (MCO) implementation efforts being conducted by the City. A meeting with EPA and the New Hampshire Department of Environmental Services (NHDES) on September 21, 1999, the City agreed to update the 1997 Combined Sewer Overflow Assessment Program to include the evaluation of alternatives which would result in the elimination of raw sewage discharges direct through the CSO treatment plant. The City's CSO treatment plant has been identified as a CSO Long-Term Control (LTC) in accordance with the 1994 EPA CSO Control Policy. The City's CSO Long-Term Control Plan has been submitted and is currently under review by the City's regulatory agencies.

Since the City's Minimum Control Policy for CSOs was adopted in January 1997, the City has completed and/or initiated numerous studies and sewage treatment plant improvements that directly impact the CSO treatment plant and the CSO discharges. The following section describes the various measures of the City's CSO treatment plant and the City's CSO treatment plant.

3.0 CSO Treatment Plant Improvements  
The City's CSO treatment plant is located at the intersection of the CSO treatment plant and the CSO treatment plant.

1. Stop logs were installed at the Mechanical Street Pumping Station in 1997 to prevent sewage from flowing into the CSO treatment plant.
2. A new gate valve was installed in CSO 100 in August 1997 to eliminate raw sewage from flowing into the CSO treatment plant.
3. A new gate valve was installed in January 1999 at the First Street Pumping Station to eliminate raw sewage from flowing into the CSO treatment plant.
4. Approximately 750 feet of 36 inch and 48 inch pipe and manhole were replaced in the CSO treatment plant in 1997.
5. One of two feet of sediment was removed from the CSO treatment plant in 1997.
6. The CSO treatment plant was inspected and repaired in 1997.
7. The CSO treatment plant was inspected and repaired in 1997.
8. The CSO treatment plant was inspected and repaired in 1997.
9. The CSO treatment plant was inspected and repaired in 1997.
10. The CSO treatment plant was inspected and repaired in 1997.



LTCP submitted to the EPA and the NHDES in February of 2002 and finalized in August of 2002.

6. A System Control and Data Acquisition (SCADA) system was designed and installed at all pump stations to improve operations monitoring and control.
7. Underwood Engineers, Inc. completed a 201 Facilities Plan Update in November 1999. This study evaluated sewerage and wastewater treatment systems and recommended a phased sewerage improvements program to address wastewater treatment and collection system problems including wet weather backups and overflows. To date, the City has authorized the expenditure of \$14.8 million through 2006 to implement the recommendations of the 201 Facilities Plan Update. In addition, a resolution is before the City Council to authorize securing an additional \$22.5 million in State Revolving Fund moneys to begin the implementation of the targeted separation projects outlined in the LTCP.
8. Working in cooperation with NHDES's Non-Point Source Program, the City is addressing the presence of cross connections and/or illicit sanitary service connections to separate storm drain systems as identified through NHDES shoreline inspections and monitoring. The City has prioritized the removal of these discharges in cooperation with the NHDES. Several previously unknown sewer to storm drain cross connections were identified during the preparation of the 201 Facilities Plan Update and have been eliminated. The City is committed to continuing this work. A drainage and sewer upgrade project is currently underway to address the illicit connection on Dennett Street. This project is anticipated to cost \$330,000 and will be completed the fall of 2002.
9. Mapping of the entire sewer system and modeling of the interceptors in terms of dry weather capacity was conducted in 1999 as part of the 201 Facilities Plan Update. The City recently received a grant to beginning mapping of the storm drainage systems throughout the City. A Storm Water Management Model (SWMM) of the combined sewer system was conducted during the preparation of the CSO LTCP to allow a thorough evaluation of alternatives for the elimination, reduction and/or treatment of CSOs.
10. Two months of flow monitoring within the combined sewer system were conducted starting in April 2000 to calibrate the SWMM model. Short duration flow monitoring at various locations has been conducted by the City since 1998 which has enabled the evaluation of the severity of infiltration and inflow at known problem areas and has led to ongoing sewer separation efforts.

#### ***NMC 2: Maximum Use Of The Collection System For Storage***

1. Interceptor cleaning and inspection efforts identified in NMC 1 above have identified some flow restrictions which, will be corrected to improve the storage capacity of the system. In addition, the City installed additional access manholes along the Deer Street brick box interceptor in 1999 to allow access for routine cleaning.







2. Recently completed sewer separation projects including the Essex/Sheffield Street Area, Thaxter/Fells Road Area, Panaway Manor Area, Granite Box Sewer at Bartlett and Islington Streets, and Lower South Street have removed inflow, reduced infiltration, and have increased the dry and wet weather capacity of the collection system.
3. Tidal inflow removal described above has increased the storm tide/wet weather capacity of the system by more than 8 mgd.

***NMC 3: Review And Modification Of Pretreatment Requirements To Assure CSO Impacts Are Minimized***

1. The City is in the process of updating its Sewer Use Ordinance. As part of this effort, all restaurants and food processing facilities have been inspected to assess the level of compliance with grease trap requirements as well as the effectiveness of the existing systems. Inspections were conducted between January and March 2000 and included inspection of down stream sewer manholes. The results of this evaluation will be used to: identify significant collection system and WWTP grease problems and identify those facilities causing the problems; determine minimum grease trap sizes and types to be allowed as well as allowable fixture connections; and improve the Sewer Use Ordinance in terms of identification and enforcement of pretreatment requirements.

***NMC 4: Maximization Of Flow To The POTW For Treatment***

1. Modeling, cleaning, inspection, tidal inflow removal, and combined sewer separation efforts underway as described above will contribute to maximizing the flow to the WWTP.
2. Upgrades to the Mechanic Street and Deer Street Pumping Stations to increase capacity will be completed as part of implementation of the LTCP.

The Mechanic Street Pumping Station was upgraded in 1990-91 from a capacity of 10.66 mgd to 22 mgd. Current peak wet weather capacity at this pumping station is 18.5 mgd +/- . A desktop hydraulic evaluation of the 22 mgd pumps and force main system was performed as part of a Screenings Removal/Washing System project. This evaluation indicated the existing pumps' capacity should be approximately 20.5 mgd.

Similarly, in 1990-91, the Deer Street Pumping Station was upgraded from 8.64 mgd to 12 mgd. However, recent wet weather flow records indicate that this pumping station has a current peak capacity of approximately 9 mgd.

Funding for upgrades to these pumping stations is included as part of the proposed Phase 3 SRF Wastewater Facilities Improvements Program loan currently before the City Council for approval.







3. Maximize Flow to the WWTP

Based on the existing configuration and pump capacity the WWTP is limited to a peak flow of 22 mgd. Ignoring the pumping station's capacity, hydraulic evaluation of the WWTP indicates the outfall is the next limiting factor at 26 mgd. The aerated grit chambers are hydraulically limited to approximately 32 mgd. Beyond 32 mgd the clarifiers and chlorine contact tanks begin to overtop. This evaluation ignored unit process treatment efficiencies and focused on the maximum amount of flow the plant could handle before the tanks would overtop. Based on unit process efficiency the clarifiers are limited to a sustained peak flow (longer than one hour) of approximately 11 mgd, the Primary Effluent Filters below 9 mgd and the chlorine contact tanks to 14 mgd w/15 min detention time.

As currently configured the WWTP can not handle sustained flows greater than 11 mgd nor can it handle additional peak flow and maintain primary treatment levels of removal efficiency (i.e. 30% BOD<sub>5</sub> and TSS). Options to upgrade the conveyance system and WWTP were evaluated as part of the LTCP. The LTCP determined that increasing the flow to the WWTP beyond 22 mgd was not recommended.

***NMC 5: Prohibition Of CSOs During Dry Weather***

1. Dry weather overflows have been eliminated from the sewer system. As described in NMC 1 above, there are a number of illicit drain connections or gray water discharges that negatively impact stormwater discharge quality. The City is presently working with the NHDES to identify and eliminate these illicit discharges. The City has committed approximately \$330,000 to address exfiltration from sewers on Dennett Street that is getting into the adjacent drain pipes which drain to the North Mill Pond.
2. During installation of new flow metering system at CSOs 10-A and 10-B, some sewage leakage through the stop logs in CSO 10-A was noted. Water stop cement was applied and appeared to stop the leakage. This will be monitored for reoccurrence.

***NMC 6: Control Of Solid And Floatable Materials In CSOs***

1. In addition to the street sweeping and catch basin cleaning regularly conducted, the sewer inspection efforts underway as part of a preliminary design of the targeted sewer separations outlined in the LTCP will identify sections of sewer system requiring heavy cleaning and debris removal. Removal of this material and regular sewer flushing will reduce the solids in the CSOs. This preliminary design effort is being done by the City's consultant Underwood Engineers Inc.







#### ***NMC 7: Pollution Prevention***

1. Public education efforts through the development of the CSO LTCP as well as required by the upcoming EPA Phase II Stormwater General Permit are expected to reduce contaminant introduction into combined sewers as well as separate storm drain systems.
2. Efforts mentioned in the NMC Section 5, 1 which are currently underway will limit illicit sanitary connections to the storm drain system and will reduce the pollutant load to receiving waters.

#### ***NMC 8: Public Notification To Ensure That The Public Receives Adequate Notification Of CSO Occurrences And CSO Impacts***

1. As part of the CSO LTCP planning, stakeholders in water quality in the Portsmouth area, including the Jackson Estuarine Laboratory, the New Hampshire Coastal Program, and the NHDES Non-point Source Program have been included in discussions on addressing water quality issues in the City. There is currently no public notification of CSO discharge events other than the required EPA notifications.

#### ***NMC 9: Monitoring To Effectively Characterize CSO Impacts And The Efficacy Of CSO Controls***

1. The evaluation of CSO abatement alternatives in 1990 did not identify any cost-effective means of CSO abatement that would allow the achievement of water quality standards in receiving waters. As such, South Mill Pond does not meet water quality standards due in large part to the presence of CSOs 10A and 10B. Flow monitoring at these CSOs as well as rainfall measurement has been conducted since 1990. The CSO flow meters have been replaced due to original equipment malfunctions and deterioration.
2. Additional flow monitoring within the collection system and additional CSO characterization has been conducted as part of the CSO LTCP development.
3. Data on receiving water quality is also being compiled from various historic and ongoing studies/research conducted in and around the Great Bay Estuary that fills and drains tidally through the Piscataqua River.
4. During the preparation of the 201 Facilities Plan Update in 1999, the Deer Street tide chamber was identified as a CSO. In response to this, a permanent flow metering system was installed.
5. The LTCP included a compliance monitoring program which will be monitor the CSOs and receiving water. Funding of this monitoring program has been included in the Phase III Sewerage Improvements Program SRF loan currently before the City Council.







6. Additional sampling is being conducted in response to a June 28, 2001 308 letter from the EPA. This letter required river monitoring to determine the impact the Peirce Island WWTP was having on the Piscataqua River.



Environmental sensitivity is being considered in response to the 2008  
from the EPA. The letter requested river restoration work along the  
Poudre River. WAT was having trouble with the river.





# PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH  
680 Peverly Hill Road  
Portsmouth N.H. 03801  
(603) 427-1530 FAX (603) 427-1539

September 9, 2002

Diane Boisclair  
US Environmental Protection Agency  
Office of Environmental Stewardship (SEW)  
PO Box 8127  
Boston, MA 02114

RE: Discharge Monitoring Report NH 0100234-001A  
Pease International Tradeport  
Pease Development Authority, Suite 1  
601 Spaulding Turnpike

The City of Portsmouth now owns the treatment plant at Pease Tradeport, enclosed is subject NPDES Discharge Monitor Report **(DMR)**.

Yours truly,

David S. Allen, P.E.  
Deputy Director, Department of Public Works

Enc.

cc: N.H.D.E.S.  
U.S.E.P.A.  
Gerry Dexter, PDA

2002 SEP 16 AM 9:00



PUBLIC WORKS DEPT.

NEW YORK, N. Y.

1911

CITY OF NEW YORK  
DEPT. OF PUBLIC WORKS

TO THE COMMISSIONER OF THE DEPT. OF PUBLIC WORKS  
FROM THE CHIEF ENGINEER OF THE DEPT. OF PUBLIC WORKS

RE: [illegible]

[illegible signature]

[illegible text]

[illegible text]

[illegible text]





# PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

680 Peverly Hill Road

Portsmouth N.H. 03801

(603) 427-1530 FAX (603) 427-1539

September 12, 2002

## CONSENT DECREE

CIVIL NO. 89-234-D

### Monthly Report – August 2002

#### CSO's

Flow monitoring continued at CSO's 10A and 10B. Data for 10A and 10B and the associated rainfall information is attached. There were no dry weather overflows during the month of **August 2002**. All requirements relative to Combined Sewer Overflows in paragraph 9 have been met.

The city has submitted a proposed Long Term Control Plan (LTCP) to the EPA and DES for approval. Work has commenced on data collection for the LTCP.

#### FINAL COMPLIANCE

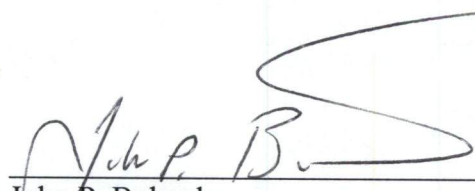
The Treatment Plant met all of the discharge limits as defined in the existing NPDES permit for the month of **August 2002**

#### **1 PH and 1 Coliform Violation which are explained in the supplement**

"I certify that the information contained in or accompanying this report is true, accurate, and complete. As to any identified portions of this report for which I cannot personally verify its truth and accuracy, I certify as the official having supervisory responsibility for the person(s) who, acting under my authority, made the verification, that this information is true, accurate and complete."

Prepared by: David S. Allen, P.E.  
Deputy Director, Department of Public Works

Date **September 12, 2002**

  
John P. Bohenko  
City Manager









October 2, 2002

# PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

680 Peverly Hill Road

Portsmouth N.H. 03801

(603) 427-1530 FAX (603) 427-1539

Stephanie Larson  
NHDES  
PO Box 95  
6 Hazen Drive  
Concord, NH 03301-0095

Re: Peirce Island WWTP Low Chlorine Residual  
Total Coliform Violation  
Portsmouth, New Hampshire

Dear Ms. Larson:

This letter is a written notification concerning a low chlorine residual resulting in a bacterial violation at the Peirce Island Wastewater Treatment Plant. On Friday September 27<sup>th</sup> 2002 at 8:30 AM plant operators determined the chlorine residual had dropped to zero. This discovery was made during a daily chlorine residual monitoring sample required by the plant's NPDES permit. The test results was confirmed and the operators immediately checked the sodium hypochlorite pumps and storage to ensure the chemical feed system was operating properly. After it was determined that the system was functioning the operators increased the pumping rate. At the time of low chlorine residual detection the dosage was approximately 18.4 mg/L. The last residual test prior to the low residual was taken at 3:30 PM on September 26, 2002. The residual at that time was 39.8 mg/L. At that time the effluent appeared normal in color.

At the time of sampling (~8:15 AM) the operator noted the effluent was black indicating solids carry over. The Peirce Island WWTP has been dealing with solids handling problems that were the result of processing Madbury Water Treatment Plant sludge. The water treatment plant sludge was causing settling problems in the gravity thickener, and primary clarifiers. This problem was manageable as long as the flows were low. At approximately 6:00 AM on the 27<sup>th</sup> flows started to rise above what the plant had been experiencing prior to the low residual (see attached flow charts).

As follow-up to the low residual the operators took additional samples and performed a dosage jar test to determine the necessary dosage to maintain a residual. It was determined that the chlorine dosage needed to be doubled. The chemical pumps were further adjusted to increase the chemical dosage to 36 mg/L. In addition, the operators took bacterial samples while the residual was low and determined that the Fecal Coliform and Total Coliform counts were 900 CFUs and 1,500 CFUs respectively.



# PUBLIC WORKS DEPARTMENT

WATER SUPPLY DIVISION

OFFICE OF THE ENGINEER

WASHINGTON, D. C.

REPORT ON THE PROGRESS OF THE WORK OF THE DIVISION DURING THE YEAR 1907

Submitted to the Board of Public Works

By the Engineer

1908

Printed by the Government Printing Office

Washington, D. C.

1908

Approved by the Board of Public Works

Attest: Secretary

1908

1908

The work of the Division during the year 1907 has been characterized by a steady and continuous progress in all the lines of its activity. The most important of these have been the construction of the new water supply system for the city of Washington, the improvement of the existing system, and the maintenance of the same. The construction of the new system has been completed, and the improvement of the existing system has been well advanced. The maintenance of the system has been given the highest priority, and the results have been most satisfactory. The work of the Division has been carried out in accordance with the plan of work approved by the Board of Public Works, and the results have been most satisfactory.

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CITY OF PORTSMOUTH, NEW HAMPSHIRE  
PUBLIC WORKS DEPARTMENT

October 2, 2002  
Stephanie Larson  
Page 2

An additional chlorine residual sample was taken at 10:00 AM. This sample showed the chlorine residual was backup to 20 mg/L.

Because we do not have a continuous chlorine residual monitor it is impossible to accurately determine the volume of wastewater that was discharged with the low chlorine residual. However, based on flow records and the fact that the low residual appeared to coincide with the solids carry over due to high flows we estimate that approximately 1,080,000 gallons was discharged. This is assuming an average flow for the four-hour period was 6.5 mgd.

Steps are being taken to minimize the potential of this happening again in the future. Currently the City is upgrading the Peirce Island WWTP to include continuous monitoring of chlorine residual. This system will be tied into the plant's SCADA system and will provide alarm annunciation in the event of low chlorine residual. In addition, Madbury Water Treatment Plant sludge is now being hauled to the South Berwick Wastewater Treatment plant for dewatering and disposal.

If you have any questions or require additional information please call me at 766-1416.

Respectfully submitted,

City of Portsmouth



Peter Rice, P. E.  
City Engineer, Water/Sewer Division

PHR/phr

cc: Joy Hilton, Environmental Engineer, USEPA  
Chris Nash, NHDES, Shellfish program.







# PEIRCE ISLAND TOTAL / FECAL COLIFORM

DATE SAMPLED: 27 Sept 02

DAY: Fri

CI2 RES. BEFORE: <0.1

TIME COLLECTED: 9:15

SAMPLED BY: DP

CI2 RES. AFTER: <0.1

ANALYST: ET

INC. TEMP. 35.1 C

BATH TEMP. 44.6 C

FINAL RESULT,  
TOTAL COLIFORM  
MPN/100 ml ≥ 1600

VOLUME ml	DAY/TIME SET-UP	PRESUMPTIVE LTB TEST	DAY/TIME TRANS.	DAY/TIME CONF.(48HR.)	CONFIRMED TOTAL TEST	MPN/ 100 ml
10.0	Fri 10:50 27 Sept 02	READ 24 hr. S +				
		TRANS. 48 hr. L → +	Sat 0900	Sun 0725	24 hr. S + 48 hr. +	S
1.0	Fri 27 Sept 10:50	READ 24 hr. S +				
		TRANS. 48 hr. L → +	Sat 0900	Sun 0725	24 hr. S + 48 hr. +	S
0.1	Fri 27 Sept 10:50	READ 24 hr. S +				
		TRANS. 48 hr. L → +	Sat 0900	Sun 0725	24 hr. S + 48 hr. +	S

## FECAL COLIFORM TEST

VOLUME ml	# LTB TUBES TRANS. TO EC	DAY/TIME TRANS.	DAY/TIME CONF.(24 HR)	CONFIRMED FECAL TEST	MPN/ 100 ml
10.0	S +	Sat 0900	Sun 0725	24 hr. S +	900
1.0	S +	Sat 0900	Sun 0725	24 hr. S +	
0.1	S +	Sat 0900	Sun 0725	24 hr. 3 +	

SAMPLE POINT:  
AT WEIR AFTER DECHLORINATION

STANDARD METHODS 18th ED. 9221B pg 9-45 & 9221E pg 9-52



STATION 101  
 DATE: 10/10/1960

STATION 102  
 DATE: 10/10/1960

NO.	NAME	DATE	TIME	TYPE	REMARKS
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2	...	...	...	...	...
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STATION 103

NO.	NAME	DATE	TIME	TYPE	REMARKS
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STATION 104  
 DATE: 10/10/1960

STATION 105  
 DATE: 10/10/1960

STATION 106  
 DATE: 10/10/1960

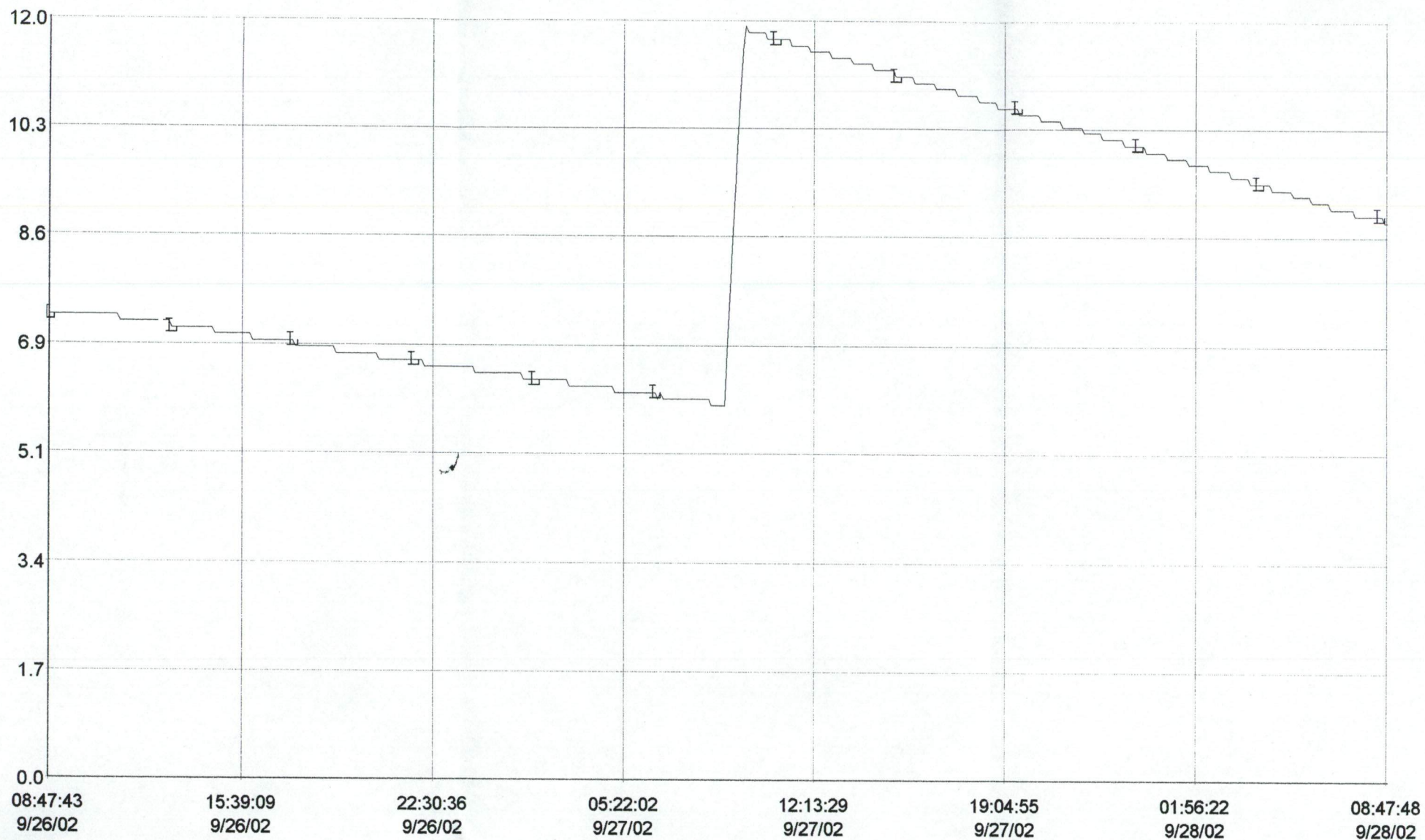
STATION 107  
 DATE: 10/10/1960

STATION 108  
 DATE: 10/10/1960



# Peirce Island Trends

L = LEVEL



—L— PEIRCE:PEIRCE\_HYPO\_LEVEL.F\_CV

PEIRCE ISL HYPOCHLORITE TANK LEVEL

5.9

11.9

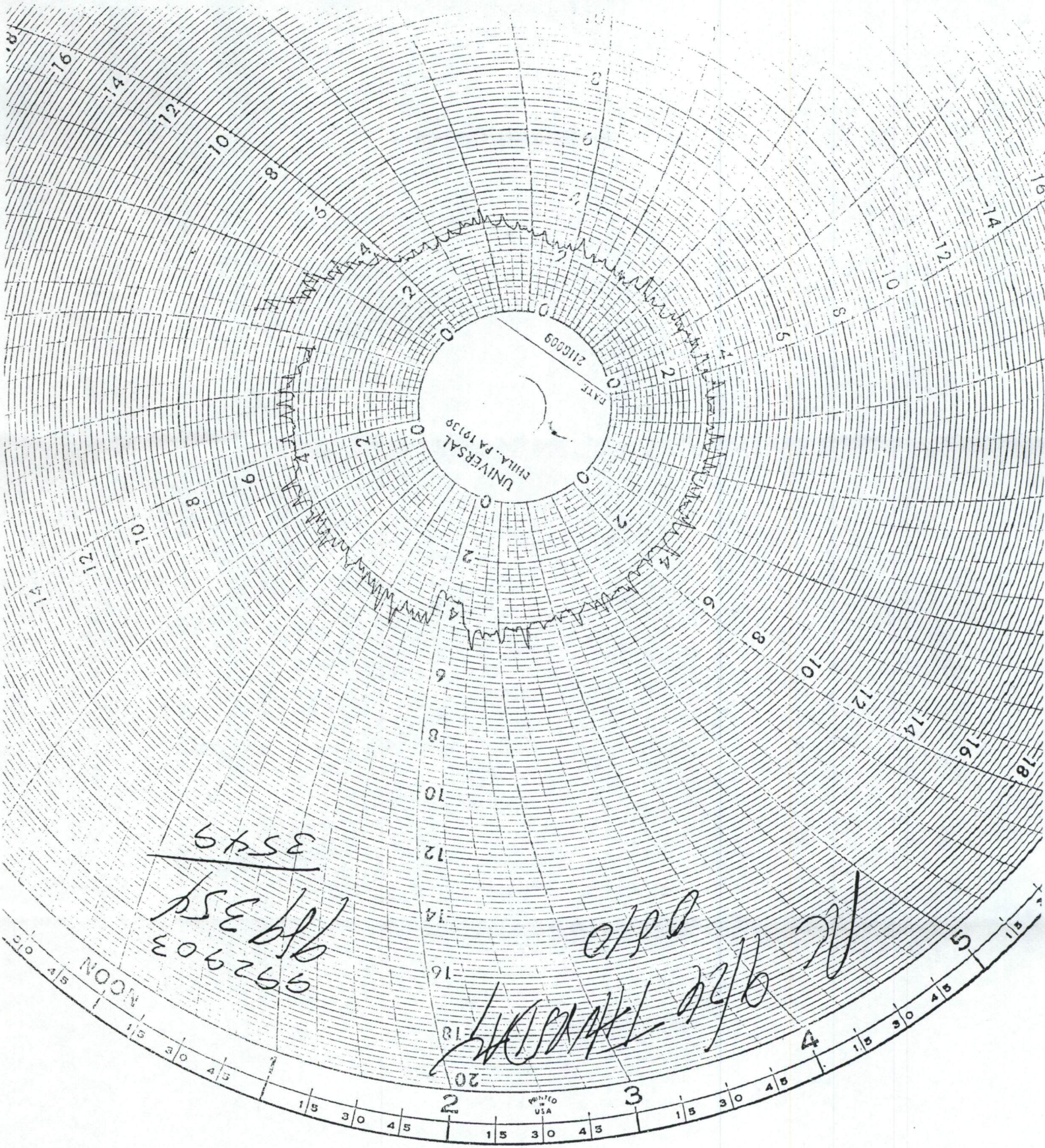
5.9

8.5









UNIVERSAL  
CHART, PA 19130

3549  
992903

0180  
22/6

NOON

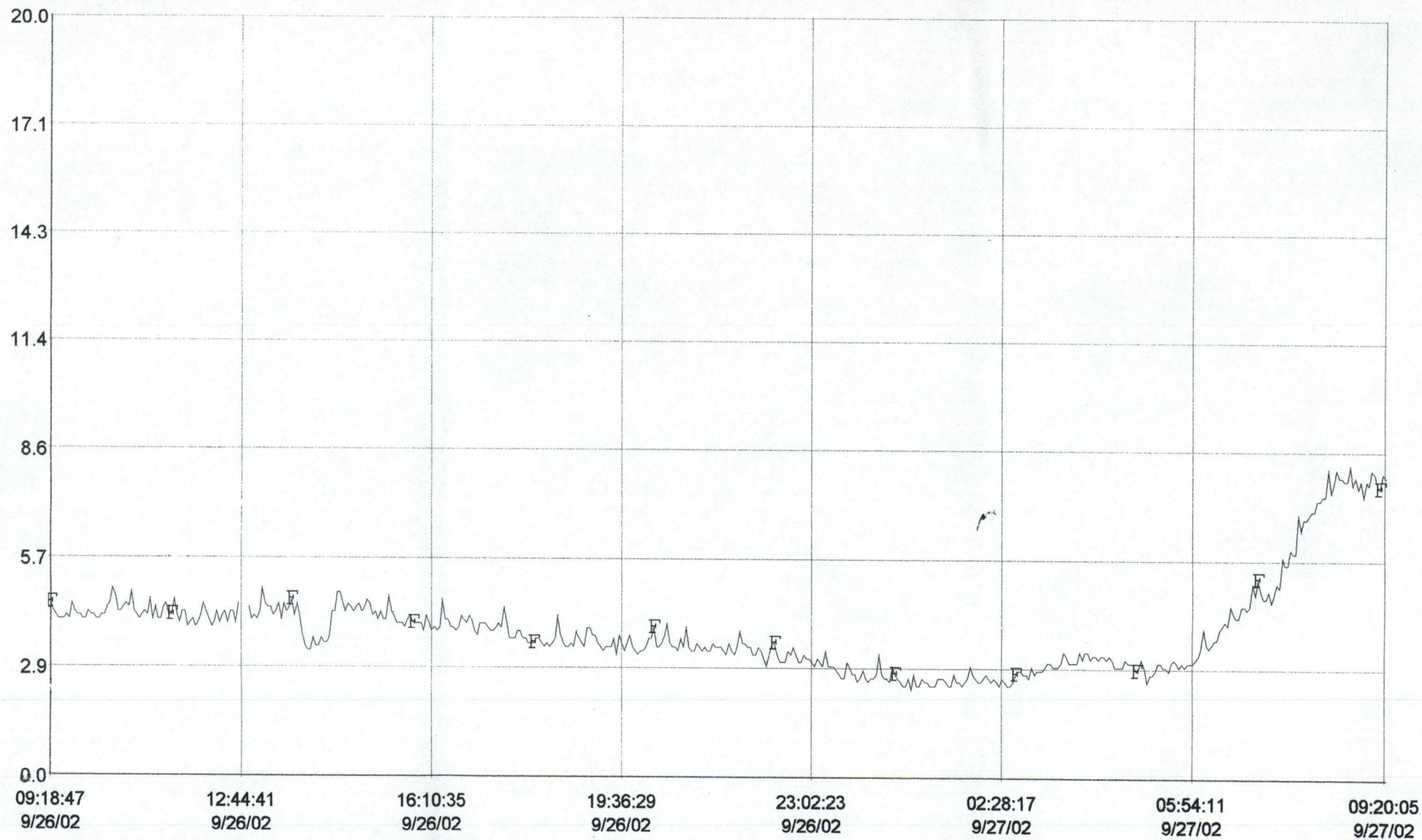
PRINTED  
IN  
USA







Peirce Island Trends  
F = Effluen Flow Rate



—F— PEIRCE:PEIRCE\_PACE\_EFFLUENT\_FLOW.F\_CV

PEIRCE ISL PACE EFFLUENT FLOW RATE

3.4

8.2

2.3

3.9



DATE

TIME

BY

REMARKS

NO.

STATION

INSTRUMENT

REMARKS



# Underwood Engineers, Inc.

*Civil-Environmental-Structural*

25 Vaughan Mall, Unit 1, Portsmouth, New Hampshire 03801-4012  
948.22

Tel: 603-436-6192 • Fax: 603-431-4733

November 5, 2002

Mr. Wesley E. Wixson P. E., Vice President  
Weststate Construction Corp.  
PO Box 440  
Bradford NH 03221

Re: Chlorine Contact Tank Bypass  
Wastewater Facilities Upgrade  
SRF No CS 330106-03  
Portsmouth, New Hampshire

Dear Mr. Wixson:

Underwood Engineers has reviewed your request to bypass the chlorine contact tank (CCT) in order to accomplish required work in the CCT Distribution Box and the Dechlorination Chamber. We have received and reviewed the performance data piloting chlorination at the plant headworks. Because the results satisfy NPDES permit conditions we brought the proposal to the USEPA and the NHDES for their authorization to bypass the CCT.

In telephone and e-mail correspondence on November 4, 2002, the USEPA and the NHDES gave conditional authorization to bypass the CCT for two (2) three (3) day periods. During the bypass, the City of Portsmouth must perform the following daily testing to assure continued permit compliance.

- BOD5
- TSS
- Total Coliform (NPDES parameters)

Should the test results indicate any permit violation, the bypass will cease immediately and chlorination through the CCT shall be reinstated.

Samples for the above testing will be at the primary clarifier effluent distribution box and performed daily. Dechlorination will be performed at the bypass pump inlet as described in the proposal. Dates for the specific bypass periods will be provided prior to the bypassing so the information may be submitted to regulators. Because of the additional testing requirements, no bypass pumping will be allowed during weekends.

We also concur that the concrete coring for the scum trough installation can be performed during the bypass pumping period, as long as the time period for bypass pumping is not extended.







Page 2 of 2

Mr. Wesley E. Wixson P. E.

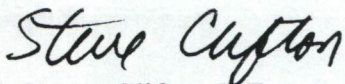
November 5, 2002

Based on the verbal authorization from regulators, bypassing the CCT is allowed on the limited basis described in the Weststate proposal and stipulated above. The bypassing shall not result in any violations of permit conditions.

If you have any questions or comments please call.

Very truly yours,

UNDERWOOD ENGINEERS, INC.



W. Steven Clifton, P.E.

Senior Project Manager

WSC/RJD/rjd

cc. David S. Allen, P.E., Deputy Public Works Director  
Peter H. Rice, P.E., Water/Sewer Engineer  
Dan Peterson, Chief Operator  
Paula Anania, Peirce Island Operator  
Joy Palmer Hilton, USEPA  
✓ Eric Hall, P.E. USEPA  
Chris Nash, NHDES  
Sharon Ducharme, P. E. NHDES  
~~Wesley W. Wixson, P.E.~~ Weststate Construction  
*Christopher Culberson*



Page 1 of 1  
10/10/2003 10:00 AM

On 10/10/2003, the following information was received from the  
New York State Department of Transportation (NYSDOT) regarding the  
New York State Thruway Authority (NYSTA) project.

The project is located in the New York State Thruway Authority (NYSTA) project.

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10/10/2003

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Department of Public Works  
City of Portsmouth  
680 Peverly Hill Road  
Portsmouth, New Hampshire 03801

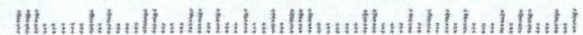


NOV 18 2002

Joy Hilton  
USEPA  
1 Congress Street  
Suite 1100-CNH  
Boston, MA 02114

(SEW)

09114+2032 11











# PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

680 Peverly Hill Road

Portsmouth N.H. 03801

(603) 427-1530 FAX (603) 427-1539

November 8, 2002

Stephanie Larson  
NHDES  
PO Box 95  
6 Hazen Drive  
Concord, NH 03301-0095

Re: Peirce Island WWTP Grit Classifier Leak  
Portsmouth, New Hampshire

Dear Ms. Larson:

This letter is a written notification concerning the discharge from the grit cyclone at the Sludge Dewatering building at the Peirce Island Wastewater Treatment Plant (WWTP) in Portsmouth, New Hampshire. At 6:00 AM Monday November 4, 2002, City personnel discovered that the grit cyclone had developed a leak in the cyclone portion of the equipment. The leak flowed out of the Sludge Dewatering building into a catch basin adjacent to the Sludge Dewatering building. This catch basin discharges to the Piscataqua River (see attached figure). City personnel immediately shut the grit system off and notified me of the incident. Due to schedule and competing duties I was did not contact the EPA and NHDES until Tuesday November 5, 2002 at approximately 2:00 PM.

The City's septage truck was used to vacuum out the catch basin and the area was hosed down and lime was spread out around the area.

The exact amount of discharge is not known. Based on visual inspection of the size of the leak and the fact that a majority of the flow continued to discharge in the normal manner, our operators estimate less than 10,000 gallons was discharge.

The grit system is going to be relocated as part of SFR funded upgrades currently underway at the Peirce Island Wastewater Treatment Plant. Once the construction is completed, these modifications will help ensure this type of event does not occur again.

If you have any questions or require additional information please call me at 766-1416.

Respectfully submitted,

City of Portsmouth

Peter Rice, P. E.  
City Engineer, Water/Sewer Division

PHR/phr

cc: Joy Hilton, Environmental Engineer  
Dave Allen, Deputy Public Works Director  
Chris Nash, NHDES







# ITY MAP

TAQUA RIVER

PROJECT  
LOCATIONS

DEER STREET  
PUMP STATION

PEIRCE ISLAND  
WWTP



MAP

STATION

PROJECT  
LOCATIONS

STATION  
STREET

STATION  
STREET

840



Piscataqua River

EXIST 12" RCP  
INV OUT: 10.85

Discharge  
Location

EXIST  
STEPS

EXIST CHLORINE  
CONTACT TANK

EXIST SLUDGE  
PROCESSING BLDG

EXIST  
SODIUM  
BISULFITE  
TANK

EXIST  
SODIUM  
HYPO-  
CHLORITE  
TANK

BISULFITE  
HYPO

EXIST ODOR  
CONTROL TANKS

EXIST  
PUMPING  
STATION

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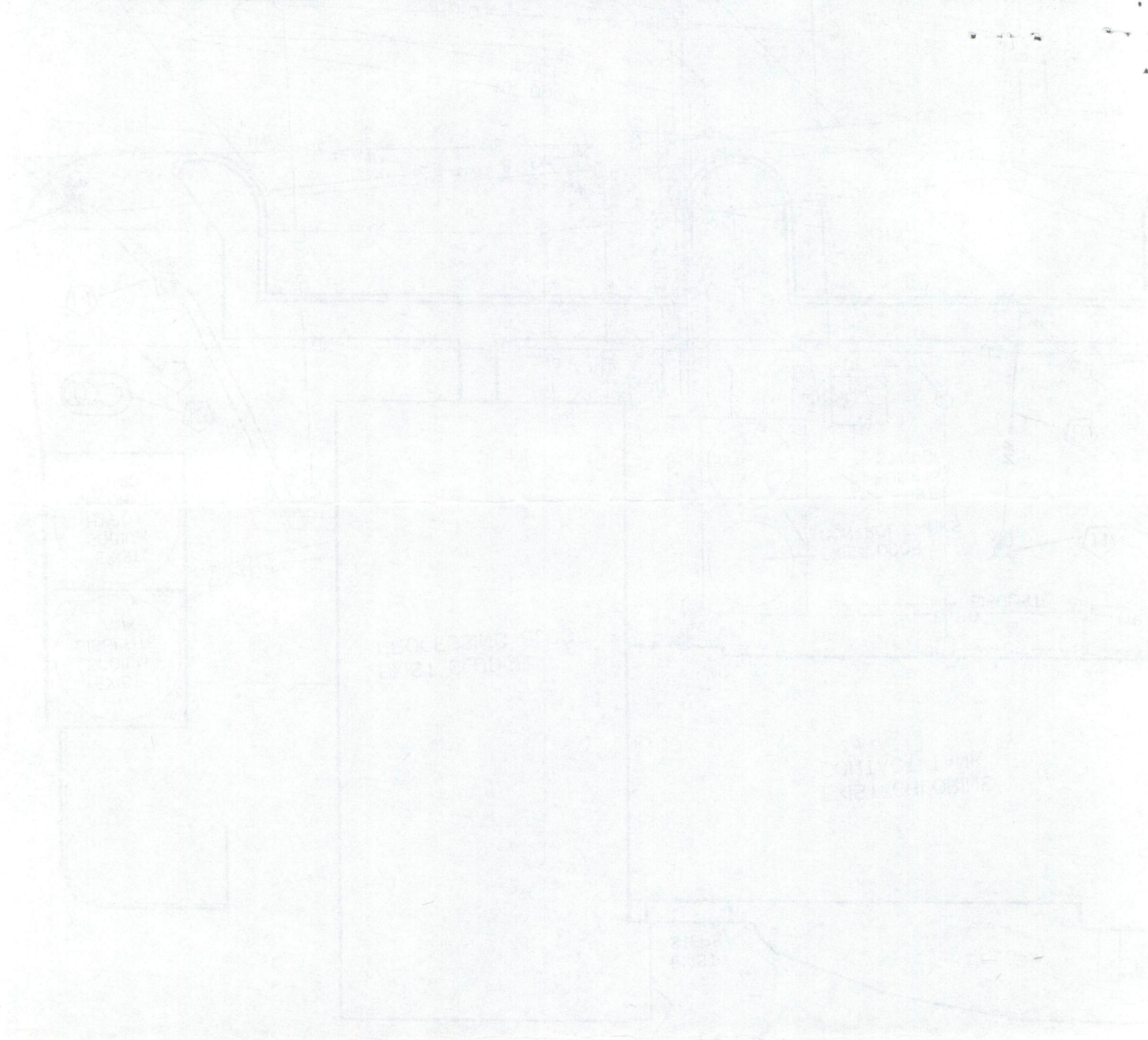
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DISPATCH

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8-1-50  
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# PUBLIC WORKS DEPARTMENT

City of Portsmouth

680 Peverly Hill Road

Portsmouth, N.H. 03801

(603) 427-1530 FAX 603-427-1539

December 16, 2002

Please see the enclosed Consent Decree as part of the November's Peirce Island DMR's. These were overlooked in the packages previously sent. Sorry for any inconvenience this may have caused.

Thank you

Patti Henderson

2003 JAN -4 PM 1:37

HIGHWAY. WATER. SEWER. ENGINEERING



ENT

PUBLIC WORKS DEPT

City of Cincinnati  
and Hamilton County  
Department of Public Works  
(901) 521-1000

December 1, 2003

Please see the enclosed Consent Decree as part of the November 17, 2003. The Consent Decree is located in the package previously sent to you by the City of Cincinnati.

The City has received a proposed Consent Decree from the City of Cincinnati and the City of Hamilton County. The City has reviewed the proposed Consent Decree and has approved it for the City of Cincinnati.

FINAL COMPLIANCE

The Consent Decree shall not be a condition of the discharge of the City of Cincinnati. The Consent Decree shall be a condition of the discharge of the City of Cincinnati.

John P. Robinson

John P. Robinson  
City of Cincinnati

Date 12/1/03

HIGHWAY WATER SUPPLY DISTRICT





# PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

680 Peverly Hill Road

Portsmouth N.H. 03801

(603) 427-1530 FAX (603) 427-1539

December 13, 2002

## CONSENT DECREE CIVIL NO. 89-234-D

### Monthly Report – (November 2002)

#### CSO's

Flow monitoring continued at CSO's 10A and 10B. Data for 10A and 10B and the associated rainfall information is attached. There were no dry weather overflows during the month of (November 2002). All requirements relative to Combined Sewer Overflows in paragraph 9 have been met.

The city has submitted a proposed Long Term Control Plan (LTCP) to the EPA and DES for approval. Work has commenced on data collection for the LTCP.

#### FINAL COMPLIANCE

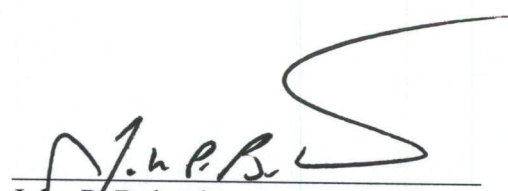
The Treatment Plant met all of the discharge limits as defined in the existing NPDES permit for the month of (November 2002).

#### (4 Coliform Violations which are explained in the supplement)

"I certify that the information contained in or accompanying this report is true, accurate, and complete. As to any identified portions of this report for which I cannot personally verify its truth and accuracy, I certify as the official having supervisory responsibility for the person(s) who, acting under my authority, made the verification, that this information is true, accurate and complete."

Prepared by: David S. Allen, P.E.  
Deputy Director, Department of Public Works

12/13/02  
Date 12/13/02

  
John P. Bohenko  
City Manager



PUBLIC WORKS DEPARTMENT

OFFICE OF THE COMMISSIONER

AND SUPERVISOR OF THE

PORT OF NEW YORK

NEW YORK, N. Y.

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